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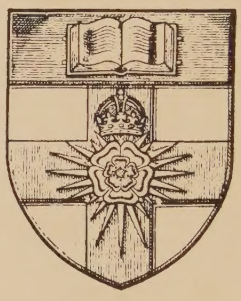

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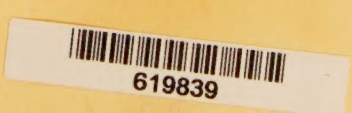
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Parliamentary Debates

VOL. XXXVIII.

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Parliamentary Debates

THE

Parliamentary Debates

FROM

THE YEAR

1803

TO THE PRESENT TIME:

FORMING A CONTINUATION OF THE WORK ENTITULED "THE PARLIAMENTARY HISTORY OF ENGLAND FROM THE EARLIEST PERIOD TO THE YEAR 1803."

PUBLISHED UNDER THE SUPERINTENDENCE OF

T. C. HANSARD.

VOL. XXXVIII.

COMPRISING THE PERIOD

FROM

THE THIRTEENTH DAY OF APRIL,

TO

THE TENTH DAY OF JUNE,

1818.

LONDON:

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1818.

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ERRATUM.—Page 92, Line 5, *for* 6,000*l.* *read* 10,000*l.*

Parliamentary Debates

THE

Parliamentary Debates

During the Sixth Session of the Fifth Parliament of the United Kingdom of Great Britain and Ireland, appointed to meet at Westminster, the Twenty-seventh Day of January 1818, in the Fifty-eighth Year of the Reign of His Majesty King GEORGE the Third.

[*Sess.* 1818.

HOUSE OF COMMONS.

Monday, April 13, 1818.

THE PRINCE REGENT'S MESSAGE RESPECTING THE MARRIAGES OF THE ROYAL DUKES.] Lord Castlereagh presented the following Message from the Prince Regent:

"GEORGE, P. R.

"The Prince Regent, acting in the name and on the behalf of his Majesty, thinks it right to inform the House of Commons, that Treaties of Marriage are in negotiation between his royal highness the duke of Clarence and the princess of Saxe Meiningen, eldest daughter of the late reigning duke of Saxe Meiningen; and also between his royal highness the duke of Cambridge and the princess of Hesse, youngest daughter of the landgrave Frederick, and niece of the elector of Hesse.

"After the afflicting calamity which the Prince Regent and the nation have sustained in the loss of his Royal Highness's beloved and only child, the princess Charlotte, his Royal Highness is fully persuaded that the House of Commons will feel how essential it is to the best interests of the country that his Royal Highness should be enabled to make a suitable provision for such of his royal brothers as shall have contracted marriage with the consent of the Crown: and his Royal Highness has received so many proofs of the affectionate attachment of this House to his majesty's person and family, as leave him no room to doubt of the concurrence and assistance of this House in enabling him to make the necessary arrangements for this important purpose."

G. P. R."

The Message having been brought up and read from the Chair,

Lord *Castlereagh* said, that conformably to precedent in former cases, he should move that the Message be referred for consideration to a committee of the House to-morrow. He should refrain this evening from entering into any explanation of the message, which, as matters now stood, it would be not only advisable, but more consonant with the practice of the House to enter upon to-morrow. For the present, he should abstain from taking any proceeding upon the message, which might have the appearance of pledging the House to an express line of conduct ultimately, and would merely move, "That an humble Address be presented to his royal highness the Prince Regent, to return his Royal Highness the thanks of this House, for his most gracious communication of the intended marriages between his royal highness the duke of Clarence and the princess of Saxe Meiningen, eldest daughter of the late reigning duke of Saxe Meiningen, and also between his royal highness the duke of Cambridge and the princess of Hesse, youngest daughter of the landgrave Frederick, and niece of the elector of Hesse: to express our entire satisfaction at the prospect of these alliances with protestant princesses of illustrious families; and to assure his Royal Highness, that this House will immediately proceed to the consideration of his Royal Highness's gracious message, in

such a manner as shall demonstrate the zeal, duty, and affectionate attachment of this House to his majesty's person and family, and a due regard to the importance of any measure which may tend to secure the succession of the Crown in his majesty's illustrious house."

Mr. *Tierney* said, he could have no objection to agree to the proposition of the noble lord. Not having been one of those favoured members, who had had the advantage of hearing the noble lord's views with respect to the sums which ought to be asked from the House, of course he could at present form no opinion on the subject. He could not help thinking it was not very respectful to the House to summon certain members out of the ministerial side of the House, who had in confidence communicated to them what it was not fitting should be made known to the House till to-morrow [Hear, hear!]. These meetings, it would seem, were always called when any new measure was to be submitted to the House; for ministers were convinced, that unless their measures had such a previous rehearsal, they could not carry them. Nothing could be done without a previous discussion in a meeting of fifty or sixty ministerial gentlemen. Such had been the nature of the meeting at lord Liverpool's that morning.

Lord *Castlereagh* said, he was not aware of any thing unconstitutional or unusual in occasional meetings of this nature, nor could he see any parliamentary usage to preclude them.

Mr. *Protheroe* said, if the reports which were in circulation were true, he thought an opportunity ought to be given to the people of England to see how every individual representative acted on such an occasion as the present; and he should therefore probably feel it his duty to move a call of the House. If sufficient time was afforded before the discussion came on, he should have no such duty to perform; but if it was not afforded, he should move the postponement of the discussion.

Lord *Castlereagh* said, that in the course he proposed to adopt, he was only following the invariable practice of parliament, which was to name a day for taking into consideration the royal message. If a call of the House should be moved for, he should not give it any opposition.

Mr. *Brougham* contended, that under the present circumstances of the country, it was necessary for the House, if it valued its own character, the peace of the nation, and the security of the throne, to take every step in all it did, to carry the voice of the country along with them. He should be disposed to support the motion of any honourable member who should propose that before proceeding any further on the subject, the usual caution should be taken to secure a full attendance, and that there be laid before the House a correct statement of facts, containing the sums already granted to, and annually in possession of, some of the members of the royal family.

Mr. *Methuen* had been anticipated in what he meant to say by his hon. and learned friend. He was decidedly of opinion that an account should be laid before the House of the income of the royal dukes, from naval and military appointments, from the civil list, and from the droits of the Admiralty, and should make a motion to that effect.

Lord *Castlereagh* did not intend to oppose the motion, but it must be postponed till the present question was disposed of.

Mr. *M. A. Taylor* said, he was surprised, after all they had heard and seen of the distresses of the country, that any message should be brought down to the House, sanctioned by the confidential servants of the Crown, calling on parliament to give away large sums, without laying before them information to show the necessity of the measure. He was one of those who were desirous that the House should withhold every allowance till the necessity of it was clearly proved. He considered the practice of calling together a certain number of members, for the purpose of taking their opinion whether such an application ought to be made, a practice highly objectionable. No man was more attached than himself to the house of Brunswick. He believed the support of the throne to be essential to the happiness and security of the people at large. But, in giving the royal family every proper support, it was necessary for him to look also at the interests and feelings of the people, and to examine what the finances of the country enabled it to pay. Now, he would appeal to any gentleman who had heard the discussions on the leather tax, whether this was a time to make any grant of the public money that was not justly called for. They ought to see what burthens the people could bear, before they voted a single shilling for such a purpose as the present.

Mr. *Curwen* trusted that the House

would not be called upon to vote one single shilling, till after the chancellor of the exchequer had laid before it a detailed statement of the supplies, and ways and means of the year.

Mr. *Brand* could not see any fair reason why the noble lord should refuse to mention the amount of the grants he intended to propose. Information was due to the public, when a grant, reported to be so large, was intended, in the present circumstances of the country.

Lord *Castlereagh* thought it would be unfair, as well as unsatisfactory to the House, to state the sums proposed, without being able to enter into all the requisite details and explanations.

Lord *Lascelles* said, that he was one of those who had attended the meeting alluded to during the early part of the discussion. He thought he should not take too much upon himself if he stated that what had transpired there had not met with the satisfaction of several others besides himself. He would not say more at present, but he would repeat, that in what he had mentioned, he had not stated his own feelings alone.

Mr. *Lyttelton* wished to know, whether the proposition to be submitted to-morrow would include any other individuals than the illustrious persons mentioned in the message?

Lord *Castlereagh* declined giving any answer.

Mr. *Bennet* asked, whether ministers had not communicated to their select committee, that they intended to propose 19,000*l.* in addition a year to one of the royal dukes, besides 19,000*l.* outfit, and 12,000*l.* a year to each of the others?

Sir *Charles Monck* said, it was a very singular proceeding for his majesty's ministers to declare to a private meeting of their own friends, what they refused to communicate to the House.

Mr. *Calcraft* said, he should be glad if any of the gentlemen who were present at the meeting alluded to, if they were not bound to keep silence on the subject, would be so kind as to state, for the information of the House, what was the amount of the sums proposed to the royal persons to whom they were to be granted. If any gentleman would have the kindness to furnish that information, the House would be much better prepared for the discussion to-morrow.

Lord *Stanley* said, he wished to be informed either by the noble lord or by the Speaker, whether it was consistent with the usages of the House, or whether, in fact, there was any precedent in which the House, in their vote of thanks to the throne for such a communication, went further than the message itself?

Lord *Castlereagh* said, it was not meant by the proposed Address to commit the House upon any of the points mentioned in the communication from the throne. It gave no countenance to any particular amount of grant, or in fact to any grant at all. The Address left the House perfectly open. It did not pledge the House to any thing; it contained a mere expression of thanks, as usual, for the communication, and a promise to take it into consideration.

Mr. *Brougham* said, he had not less regard to the security of the succession to the Crown, than the noble lord, but he thought that some regard should be paid to the interests of the people, which were not at variance with the interest of the Crown, but closely connected with it. There was an omission in the Address, which, if it was not supplied, would prevent him from concurring in it. The House pledged itself to take such measures as a regard to the succession to the throne required. To this he had not the least objection; but he thought it fit the House should declare its regard also to the state of the people, and its sense of the burthens under which they labour, and the privations they undergo. He should, therefore, move to add after the word "House," these words, "and to the burthened state of the people of this country."

Lord *Castlereagh* said, the amendment appeared to him quite unnecessary, and would seem to imply, before any specific grant was proposed, that there was, in some quarter, not a due regard to the burthens of the people. There was nothing in the Address which called in question the principle, that the interests of the people should be attended to. Such amendments were not, he believed, upon such occasions, recognized by the usage of parliament. For these reasons, he should oppose the one now proposed.

Sir *Gilbert Heathcote* thought that nothing could be more moderate than the amendment of his hon. and learned friend. When the House was called upon to make large provisions, there was nothing more natural than to take into consideration the situation of the country. He did not

feel all that joy that the noble lord perhaps might feel on occasion of these marriages. They were unlike marriages in private life. No one of them ever occurred without the country being burthened. They were always accompanied with a considerable addition to the revenue of the personages who were the parties. At present a man had only to walk about with his eyes open, to see that the country was in a most distressed condition. They ought to consider before they added even a single sixpence to the public burthens.

Mr. *Tierney* said, that the proposed amendment did not pledge the House to any particular line of conduct, any more than the other parts of the Address. The amendment was particularly necessary at present, because they were going to do more than they had ever been called upon to do in one day before. They knew that a meeting had been held, at which the subject was discussed. They were not put in possession of what had transpired there, but they were informed, though not from the highest authority, at least from one of the most respectable members of the House, that what was proposed was such as ought not to be entertained. They should take care then, not to commit themselves. They were ready to discharge their duty to the Crown; but when called upon to do it under such suspicious circumstances, was it too much to pledge themselves in the Address, that in attending to the interests of the Crown, they would not disregard those of the people?

The gallery was then cleared for a division, and strangers remained excluded for nearly three quarters of an hour, during which time an interesting discussion took place, of which the following is the substance:

Mr. *Somers Cocks* expressed his anxiety to explain the reason why he could not vote for the amendment. Viewing it as pledging the House to the principle of economy, he did not object to it on that ground. On the contrary, when the proposed allowance came to be discussed, he should show by his vote that he was as warm a friend to the principle as any man; but he was averse to departing from the usual mode of proceeding in such addresses, which might be liable to misconstruction.

Mr. *Brougham* said, he was desirous of removing the false impression under which the hon. gentleman appeared to labour, when he thought that it signified nothing to the successful opposition of the proposed measure, whether the vote was given in this or in a future stage. He pressed his amendment for the very purpose of deterring ministers, in the earliest possible stage, from going on with such a measure; and he was confident that the amendment, if carried, would have the most salutary consequences, as well to the interests of the country, as to the stability of the government, by putting an end at once to a proposition fraught with the very worst consequences to both.

Mr. *Lee Keck* could not avoid declaring the course which he felt himself bound to adopt. Disapproving highly of the proposition made at the meeting at lord Liverpool's, he should decidedly oppose it; and, though he wished the amendment had not been moved, still he felt he had no choice, but must give it his support.

Mr. *Plunkett* wished his hon. and learned friend would consent to withdraw the amendment. He entirely concurred in opinion with him, and when the question was brought forward, he should strenuously support him to the utmost of his power. But he was apprehensive that it might wear an appearance very foreign to his hon. and learned friend's intentions, if the House departed from the precedents of former addresses, by referring to the topic of economy, not to be found in the message, and thereby seeming to insinuate that the Crown had improperly omitted that important consideration. On the merits of the question he heartily agreed with his hon. and learned friend.

Sir *J. Newport* expressed his regret at being obliged to differ so widely from his right hon. friend in his view of the amendment, which he regarded as absolutely necessary, after what had passed on both sides. It was a great mistake in his right hon. friend to suppose that the amendment could refer to any thing but the conduct of ministers. The message was their act, and if the omission was censured by the amendment, the censure fell upon the constitutional advisers of the Crown alone.

Lord *Lascelles* said, he was one of those who were present at the meeting at lord Liverpool's, and he there felt that he could not agree to the proposition of ministers. He was prepared to oppose it by his vote when it should come forward; but he declined supporting the amendment, or voting in the present stage.

Sir C. Monck strongly supported the amendment, as did Mr. Calcraft and Mr. Tierney, upon the ground of lord Castlereagh's refusal to inform the House what was intended, and the fact which had come out of so many members that morning having learnt what the measure was, and immediately declared that they could not agree to it.

Mr. *E. Littleton* said, he should not easily be suspected of opposing government, with whom he so generally acted. But he had been one of the meeting at lord Liverpool's, and had found a great many others, like himself, friends to the measures of administration, but who could not agree to the proposition made by lord Liverpool. However, he should reserve himself for the after stage of the question.

Mr. *Abercromby* considered that those who opposed the amendment quite mistook the question. The duty of the House was to act as an intermediate body between the people and the Crown, attending to the interests of both. His right hon. friend (Mr. Plunkett) could not surely so far forget its functions, and indeed its whole forms of proceeding, as to regard any thing which it did relative to a message or address, as applicable to the executive branch of the government, or to any persons other than the ministers of the Crown. After the avowals of opinion on all sides respecting the expected proposition, it would be a deception not to add the declaration contained in the amendment.

Mr. *Wynn* wished the amendment to be withdrawn, for fear of impeding the future opposition to the proposed vote, in which opposition he should certainly concur; but the amendment he thought contrary to the usual forms of their proceedings.

Mr. *Courtenay* deemed it necessary to declare at once, in the earliest stage, his opposition to the measure. He approved of the amendment, because it went to declare the opinion of the House, and to prevent the measure, deprecated on almost all hands, from being proposed. It had his unqualified assent.

Sir *T. Acland* was against the amendment, though he strongly supported the principle of it, and should show this by his vote when the measure was proposed.

Mr. *Gooch* said, he had been at the meeting at lord Liverpool's, and disapproved of the proposition.

Mr. *Methuen* warmly supported the amendment.

General *Walpole* asked, whether if such an expression of regard to the burthens of the country had been in the original address, gentlemen would have voted for leaving them out?

Sir *W. Curtis* said, he had not been at lord Liverpool's, though he had on former occasions of a similar kind, and had expressed his mind freely. If he had been there, he should to-day have opposed the proposition decidedly, and so he should when it came on; but he would not vote now for the amendment.

Sir *S. Romilly* begged the House, before it came to a vote, to recollect that the whole of the members to whom the private and unconstitutional disclosure had been made in the morning, and who alone knew its nature, had, from all that now appeared, disapproved of it, and had, one after another, informed the House of its being of a kind impossible to be supported by those who usually voted with ministers. Was it too much in these circumstances to record the warning of the House to ministers in the address, and to let it be known that there existed such an opinion? The original address would only tend to mislead any one who read it as to the sentiments of the House, and the reception which the proposition was likely to meet with.

The question being put, That the words "and to the present burthened state of the people of this country," be added, the House divided: Ayes, 93; Noes, 144. The Address was then agreed to in its original shape.

List of the Minority.

Abercromby, hon. J.	Calvert, Charles
Aubrey, sir John	Calcraft, John
Archdale, general	Campbell, hon. J.
Broderick, hon. W.	Carter, John
Bentinck, lord W.	Caulfield, hon. H.
Baker, John	Cochrane, lord
Barclay, Charles	Coke, T. W.
Babington, Thomas	Curwen, J. C.
Butterworth, Joseph	Dickinson, W.
Baillie, J. E.	Duncannon, visc.
Baring, sir Thomas	Douglas, hon. F. S.
Barnett, James	Fane, John
Barnard, visc.	Fellowes, W. H.
Bennet, hon. H. G.	Fazakerly, N.
Birch, Jos.	Fergusson, sir R. C.
Brand, hon. Thos.	Folkestone, visc.
Brougham, Henry	Grenfell, Pascoe,
Burrell, hon. P. D.	Gaskell, Benjamin
Burrell, Walter	Gurney, Hudson
Courtenay, W.	Grant, J. P.
Carhampton, earl of	Hamilton, Hans
Calvert, N.	Hamilton, lord A.

Hill, lord Arthur	Robarts, W. T.
Heathcote, sir G.	Romilly, sir S.
Howard, lord H. M.	Rowley, sir W.
Howard, hon. W.	Sebright, sir John.
Hughes, W. L.	Spencer, lord R.
Keck, G. A. L.	Sharp, R.
Lefevre, C. S.	Sefton, earl of
Lemon, sir Wm.	Smith, John
Lloyd, J. M.	Smith, Sam.
Lyttelton, hon. W. H.	Smith, Abel
Macdonald, J.	Smith, W.
Mackintosh, sir J.	Smith, Robt.
Markham, admiral	Smyth, J. H.
Martin, John	Stanley, lord
Moore, Peter	Symonds, T. P.
Newport, sir John	Taylor, M. A.
North, Dudley	Thompson, T.
Onslow, Arthur	Tavistock, marq. of
Ord, Wm.	Tierney, rt. hon. G.
Ossulston, lord	Teed, J.
Parnell, W. H.	Walpole, hon. G.
Pelham, hon. C. A.	Waldegrave, hon. W.
Philips, George	Wharton, John
Powlett, hon. W.	Wood, alderman
Pym, Francis	TELLERS
Portman, E. B.	Methuen, Paul
Protheroe, E.	Monck, sir C.

Mr. *Methuen* then moved, "That there be laid before this House, a Return of all Incomes received by their Royal Highnesses the Dukes of Clarence, Kent, Cumberland, Sussex, and Cambridge, arising from Military, Naval, or Civil Appointments, Pensions, or other emoluments, as well as all Grants out of the Admiralty Droits, made to them since the year 1800." It would also be desirable to ascertain the income received by the duke of Cambridge from Hanover.

Mr. *Tierney* concurred in the necessity of obtaining this information.

The *Chancellor of the Exchequer* did not see how this information could be had through the usual official mode of applying for accounts. It certainly could not be had as the motion was worded.

Mr. *J. P. Grant* asked, what use there would be in altering the words of the motion, if what the right hon. gentleman said was correct—that he knew no way of getting at these accounts? If government had not the power of getting at these accounts he knew not who could. He hoped, however, that some pains would be taken to procure the necessary information.

Mr. *Brougham* remarked, that although there was no office in the kingdom from which the return alluded to could be obtained, there was one person who could readily make that return, and that person was the duke of Cambridge himself. Such a return was obviously necessary to guide the judgment and decide the ultimate vote of the House upon the question just submitted to its consideration. It was no doubt fit and becoming that the several members of the royal family should be enabled to maintain a degree of splendour suitable to their high station, but then the House was bound to consider the means which each possessed to answer that purpose, before any additional grant was acceded to. With this view the House should be apprized of the revenue derived from Hanover by the duke of Cambridge; and if a country, which had so often been the cause of augmenting the expense of Great Britain, should at length contribute something towards an alleviation of our burthens, we might hail the extraordinary change.

The *Chancellor of the Exchequer* observed, that it was quite unusual on the part of that House to inquire into the receipts or revenues of the royal family from foreign countries. It was known, indeed, that upon a former occasion, Mr. Fox concurred with Mr. Pitt in resisting a proposition of this nature, and that the former was more decisive than the latter in deprecating the inquiry.

Mr. *Brougham* expressed his conviction, that if Mr. Fox had lived to witness such a motion as the discussion of that evening referred to, with the present burthens and distresses of the country, his conduct would have been decidedly different.

The motion was agreed to.

Mr. *Protheroe* said that it was his original intention to have given some previous notice of the motion which he thought it necessary to submit, for a Call of the House at the present crisis. But from what had been said by the noble secretary for foreign affairs, he felt it proper to bring forward this motion at once, and without notice. This course, he was indeed, urged to adopt, by considerations wholly independent of the tone and temper which appeared in this evening's discussion. For upon such a question as that to which the message referred, the opinion of every member ought to be known. There were some members whose attendance ministers themselves might be willing to dispense with from motives of personal or political accommodation, while others might decline to attend for their own accommodation. But no such considerations should be regarded upon

this occasion. It was desirable, indeed, that, under the present circumstances of the country, the attendance should be as full as possible, and therefore he moved, "That the House be called over on Friday the 24th instant."

The motion was agreed to.

Ordnance Estimates.] Mr. Brogden having brought up the Committee of Supply to which the Ordnance Estimates were referred,

Mr. *Bennet* resumed the subject of the hardship sustained by the reduced officers of the artillery drivers, and repeated the arguments he had advanced on a former evening. It had been stated, that eight out of twelve troops had been disbanded; but the fact was, there were twelve troops; six were disbanded in 1814, and six retained. The difference was, that the four troops that remained were composed out of the six that had been disbanded. They were all broke alike, and therefore were all entitled to some allowance. All he asked for was, that two more corps should be placed in the same situation as those that remained; and if this was not done, he should make a motion on the subject.

Lord *Cochrane* thought, the case of the officers alluded to was one of great hardship. It was understood at the time, that their reduction was only a temporary measure, and that an early opportunity would be taken to employ them; but now they were told that they would not again be wanted. Those officers were also obliged, before they could receive their half-pay, to swear that they held no civil or military appointment, thus obliging them to live on a scanty pittance, or else to give up their half-pay altogether. He held in his hand papers which stated that many of those officers had served for a great length of time, and that one of them had been instrumental in saving an entire brigade of sir John Moore's army. This and many other acts of similar service called for the consideration of government, and he hoped they would not be overlooked.

The Earl of *Carhampton* said, he felt himself in a strange place, and heard strange things. He recollected, a few nights past, that the hon. member who moved the resolutions in the committee on the ordnance estimates appeared to him to drag the papers from his pocket or his sleeve, like a conjuror, and when the different items were agreed to, he came in with a postcript to the amount of 5,000*l.* for repairing damages done to the sea walls at Portsmouth and Haslar by the late violent storm; which, by the way, he did not think regular, as there had been no notice given on the subject. He thought that the ordnance department was one where great reductions ought to take place, but he was sorry to see that an increase of expenditure was advocated. The expense of this department had increased, was increasing, and ought to be diminished. He firmly believed, that in England, a reduction of one half might be effected, and in Ireland of two thirds. He had himself held the appointments of adjutant general, and of commander in chief in that country. At that time there were three engineers employed, and he then thought there was one too many; but Ireland had now no less than thirteen. He was anxious to point out to the public now and where a reduction should take place; but he would leave the subject for the present, however fully he was convinced of the necessity of speaking upon it.

Mr. *Ward* thought, that the time of the House was unnecessarily wasted upon the present discussion. There would another and a more proper period come for the examination of the subject alluded to. When that time should arrive, he would be prepared to enter into a defence of every item which had been brought forward. The noble lord who spoke last had certainly availed himself of a fair opportunity for making his observations; but he must say, in return, that the subject had been so amply discussed, not only in that House, but by committees above stairs, that he felt it unnecessary to offer any reply. If the noble lord would suggest to him any practicable retrenchment, he should most willingly accept the suggestion. With regard to the vote of 5,000*l.* for the repair of the damage done by the late storms to Portsmouth, he admitted, that, in point of regularity, notice ought to have been given of this additional item in the estimates. The report, however, on which the application to parliament was founded, represented the immediate necessity of the repairs, and it was upon this consideration that the notice had been dispensed with. If the House should be of opinion, that this form of proceeding was necessary, he was willing to withdraw the resolution for the present.

The Resolutions were then agreed to.

OFFENDERS CONVICTION REWARDS BILL.] On the order of the day for the second reading of this bill,

The *Attorney General* said, that he had no difficulty in admitting the propriety of some alteration in the law as it now stood; but the present measure went to the total abolition of all rewards for the apprehension and conviction of offenders. These rewards had been enacted by a great variety of statutes, passed at very different periods; and the inference was, that the legislature had, at each of those periods, been impressed with the necessity of stimulating the assiduity and exertions of the persons employed in performing this necessary service. Now, a law passed for the more effectual punishment of offenders, must not be supposed to have been inefficacious, merely because offenders were still found to exist. It was not possible for any man to say how many had been deterred from crime by such regulations, nor indeed how many had been brought to justice by their means, who would otherwise have escaped. He certainly could not deny the position, that rewards might in some cases operate, for that they had so operated had been lately proved in courts of justice, to induce men to tempt others into offences for the purpose of obtaining them. Of so serious an evil the instances, he must hope, were but few, and no general law, it was well known, could ever arrive at perfection, or be at all times guarded against abuse. The question was, whether these were not cases of a peculiar nature, in which it was necessary to the interests of society, that the zeal and activity of individuals should be stimulated—cases in which it was necessary for them to leave their homes, and expose themselves to situations perhaps of considerable peril. His notion was, that it would be injurious to the interests of justice, in the apprehension of criminals, to take away the rewards for conviction in all cases; but he thought that for no apprehension ought there to be a fixed reward. His opinion was, that both the extent of the reward, the distribution of it, and whether there ought to be any reward at all, ought to be referred to the judges before whom the charge was made, and the indictment tried. The stimulus for the apprehension of criminals would thus be left, while the inducements to conspiracy would be removed. When cases came before the court, in which the prosecutor, the witnesses, or the officers, appeared to be acting from motives of interest, and not from a regard to public justice; when they appeared not meritoriously zealous for the punishment of crime, but disposed to make a trade of their services for personal benefit; then the judges should refuse the reward altogether. If the contrary was the case, they might award the whole 40*l.*, or give any part, or distribute it among those who had exerted themselves for the apprehension of the criminal, according to their merits. He opposed the second reading of the bill, therefore, not because it abolished fixed rewards, but because it allowed no rewards at all, and thus took away all inducements to exertion in the apprehension of criminals. By the bill no reward was allowed except to the family or executors of an officer who was killed in the execution of his duty. This provision of the bill he would adopt, and in another part of it too, that referred to the prohibition of transferring Tyburn-tickets, he entirely concurred. He would agree, generally, with the honourable author of the bill, to abolish all certainty of reward, either as to amount, the terms on which it might be claimed, or the distribution of it among the different parties who lent their exertions to apprehend criminals; but he could not concur with him in abolishing rewards altogether. He thought the evils at present complained of might be removed, conspiracy prevented, and all the salutary objects in view attained, by still continuing to hold out rewards for apprehension; but referring the amount, and the question whether any thing at all should be granted, to the judges. In their discretion it might be safely rested: with them the power would not be abused, while the public would have all the benefits that might arise from stimulating the activity of officers and prosecutors in the performance of their duty. It was because the bill, as it at present stood, could not accomplish the latter object, that he opposed the second reading.

Mr. *W. Smith* said, he could not agree with the hon. and learned gentleman in opposing the second reading of the bill, while he concurred with him in several of his positions. It might go into the committee, and be there amended, so as to meet the views of the hon. and learned gentleman, and those who concurred generally in its principle, but differed about its detail. In much of what the hon. and learned gentleman had said towards the

conclusion of his observations he cordially agreed, but he could not allow the strength of his arguments against a change, drawn from the history of the statutes connected with the present subject. The rewards, he thought, were very improperly proportioned, as they regarded the different kinds of crimes. The greatest reward was given for the apprehension of the greatest criminal, and the less reward for the conviction of the least offence. The scale appeared to him to be thus improperly graduated, both because less pecuniary inducement was required for exertion to apprehend a person charged with a great crime, from the natural sentiments of mankind being more strongly excited against the criminal, and because, by holding out an increase of reward in proportion to the atrocity of crime, a motive was given for allowing offenders to proceed in their guilty course till their apprehension should become of value. The hon. and learned gentleman had spoken of the merits of persons who exerted themselves to apprehend criminals. In the sentiments he had expressed on this subject, he could not concur. Where was the merit of apprehending or prosecuting, if it was done for the purpose of obtaining 40*l.*, and not from a regard to the interests of justice? In his opinion, there was not only the want of merit, but a great demerit. If you took away the hope of reward, you confessedly took away the motive to exertion, and the merit of the prosecutor was thus to be measured by his love of gain. If the case were otherwise—if the prosecutor were sincerely actuated by motives of duty and a regard to public order or justice—the stimulus would remain the same, though the rewards on conviction were abolished. But though he could not allow merit to prosecutors who acted from a regard to personal interest, he could not agree with his hon. friend (Mr. Bennet) in abolishing all motives to exertion arising from such a cause The reward should be proportioned to the exertion, and the trouble made or incurred, and not according to the magnitude of the offence for which a conviction might be obtained; but still there ought, in his opinion, to be some kind of reward. He objected to the bill in some particulars; but he could not concur with the attorney-general in opposing its second reading, because he thought that such a decision against it would appear to cast a slur on the motives and exertions of his hon. friend, the former of which all were as ready to acknowledge to be laudable as the latter were great, and because he thought that what was objectionable in it might be amended in the committee.

The *Attorney General* said, he had no wish to press the opposition to the second reading, with the understanding, that his object could be obtained in the committee by amendment.

Mr. *Bennet* confessed he felt himself rather in an awkward situation, in having to oppose himself on a question so connected with the jurisprudence of the country, with a gentleman of the acknowledged professional character of the learned attorney-general. But he still could not admit that his views on the continuance of those rewards upon the conviction of offenders, were at all weakened by what had been advanced that night. It could not be said that he had adopted them on slight grounds. Every gentleman of a very numerous committee had concurred in the conviction of the necessity of abolishing them. Such was also the opinion of the police magistrates, end even of the police officers who had been examined before them. And what reason did the latter give for that conviction? They said that they felt the necessity from the manner in which officers where treated by juries in consequence of these rewards, that they came into court with mill-stones round their necks, and that while these rewards were continued, they were exposed to the odious appellation of Blood Money—an appellation, he must say, so odious, and at the same time so inveterately fixed in the honest and unadulterated feelings of the people in every part of the country, that of itself it constituted a reason to get rid of a system so abhorred. But there was also this more material proof, that the ends of public justice were defeated by their continuance. It was on evidence in the reports of that committee, that in many cases false evidence was given by police officers, in order to bring the offence within the reach of the remuneration. Such was the opinion of Mr. Townshend and of Mr. Holdsworth. What had that excellent man Mr. Shelton, the clerk of the arraigns at the Old Bailey, stated? Did he not declare, that too frequently these officers endeavoured to stretch the point with the view of sharing in the price of blood. The calenders of the criminal courts established the same

conclusion. In London, indictments in one year were laid for 105 offences, all carrying rewards, and there were only 40 convictions. Thus, as Mr. Shelton stated, public justice suffered, by this endeavour to regulate the indictment, not by the crime of the offender, but by the hope of profit in the police officer. Let the House go through the criminal proceedings of all the counties, and they would see nearly the same proportion between the indictments and the convictions, as he had before stated took place in London. As these rewards had, therefore, so pernicious an effect, they ought to be abolished. Nor did he see any necessity to provide farther than the bill did for the apprehension of criminals. It proposed to indemnify prosecutors and witnesses for their expenses, and to remunerate them for the trouble they incurred. He did not think that the ends of justice required more, or that the interest of the prosecutor should be made to lie in procuring the conviction of an offender by any testimony to which he was not prompted by a sense of truth and the common feelings of our nature against crime. The inducement which was thus held out to prosecution, was as great as ought to be given. Fixed rewards had been long the great blot in our system of criminal procedure. As long as any thing more is offered for procuring convictions than a mere indemnity for expense, and a remuneration for time and trouble, the interest of the prosecutor will be made to consist in prosecuting falsely, and an inducement will be held out, not to detect, but to make crime. All the persons who were connected with the police acknowledged that the principle of the present system was bad, and that from the beginning of it to the end, instead of checking or controlling crime, it operated as a bounty to those base and designing men who went about not merely to tempt adults to the commission of crime, but (which was the most lamentable fact) to train up children to be criminals. Children of nine or ten years of age, instead of being indicted as they ought to be for picking pockets, were, frequently, in hopes of the reward, indicted for highway robberies. Not many months ago two children, one thirteen, the other nine years of age, were convicted of highway robbery, one of the witnesses being a child of six years of age; although he was as sure as he stood there, that were it not for the system of rewards, their offence would never have been ranked so high. With respect to the bill, he should not have done his duty as chairman of the committee on the subject, had he not introduced it to the House. He was certain, that if the reward of 40*l.* was not offered such scenes would not so frequently be witnessed. Where persons were now indicted for highway robbery, they would, under a different system, be accused only of picking pockets. He could not agree with the hon. and learned gentleman that the antiquity of the laws by which such rewards were granted was any thing in their favour. Such laws reflected no credit upon the wisdom of our ancestors. They were part of those rude acts by one of which the life of a man was only valued at five shillings. In conclusion, he trusted the House would see the necessity of going into the committee with the bill, at the same time that he did not mean to assent in that committee to many of the alterations which had been suggested. He thought that all the persons instrumental in the conviction of felons should have the expenses paid them for the time they had lost, but no further reward did he conceive necessary.

Mr. Alderman *Wood* said, he was of the same opinion, with respect to rewards on conviction of felons, as his hon. friend who had just sat down. He had seen the effect of such a system in the plan adopted by the Bank. The Bank was known to give a reward of 7*l.* on the conviction of persons for passing bad money, and this very circumstance was the cause of a great number of the convictions which took place for that offence. A great many poor Germans, Swedes, and Irishmen, who were ignorant of the English language, were entrapped into the passing of bad coin, by persons whose only object was, the getting of the reward offered in consequence. He had detected one of his own officers at such practices, and had found it his duty to lay the whole of the system before lord Sidmouth. The officer whom he had so detected, he had of course discharged, but he was aware that the same nefarious system which he had mentioned, was still very often practised. With respect to other crimes, the anxiety to convict, where a reward was to follow, was most apparent, and those who were at all acquainted with the business of a justice room, would feel how great a struggle there frequently was to procure a commitment for a capital of-

fence. If a person snatched away a lady's ridicule without much force in the street, it would not amount to a capital offence; but if the string of it happened to be twisted about her arm, and the slightest degree of force was used in getting it away, then the crime would be a highway robbery; and the greatest anxiety was often evinced on the part of some officers to have the party committed for the capital offence, in order to secure to themselves the reward. Indeed, so anxious were they to secure this object, that many of them were known to have employed counsel for the prosecution, in order to secure, if possible, the conviction of the accused party. Would the House of Commons consent to the continuance of a system which carried such horrid evils in its train? He trusted they would not; but that they would see the necessity of applying a remedy to that which so much demanded legislative interference.

Colonel *Wood* hoped that the bill would be allowed to go into a committee, and recommended the consideration of the report of the police committee to the attention of members. It would show how much the country was indebted to the exertions of the hon. gentleman (Mr. Bennet) who was its chairman. He saw no reason why it should be supposed that the abolishing of the rewards on conviction would be injurious to the interests of public justice, if the expenses of the prosecutors were paid. Those who sought for rewards for the conviction of felons, had two scenes to range over—the town and the country. Now, in the country, there was no necessity whatever for such incitements to bring offenders to justice. Men were in general known to each other there; suspicious characters could not pass unnoticed, and, of course, honest men, for their own security, would pursue those persons who had committed crimes, and would endeavour to bring them to justice. But in great towns the case was different. Villainy, if not closely watched, might long go undiscovered there. If prosecutors were indemnified for their expenses, and positive rewards were removed, the system would be infinitely better.

Mr. *Hurst* observed, that no objection whatever had been urged against the principle of this bill, even by the learned attorney-general, who merely wished that a full discretion should be placed in the hands of the judge, as to what reward, if any, should be given. For his own part, he was most friendly to the measure. There was not a magistrate in the country who did not shudder at the cases which came before him, in consequence of the existing system.

The *Solicitor General* said, that his hon. and learned friend had not objected to the abolition of fixed rewards. There might, however, be cases where persons had meritoriously come forward, in which it would be very desirable that rewards should be given. It might be desirable that judges should have the power of doing this, and of determining, where reward seemed the only object of the parties who appeared against a prisoner, that it should not be allowed.

Mr. *Bennet* said, his great anxiety was, to give to the judges the discretionary power alluded to, and to remove fixed rewards altogether.

General *Thornton* wished, that rewards should rather be granted for the detection of small, than of large crimes. If this course were pursued, new-fledged criminals would be prevented from persevering in a course of vice, and great crimes would not be so frequent. This plan, at the recommendation of Mr. Mainwaring, had been successfully adopted in the parish of St. George's, Hanover-square.

Sir T. Baring approved of the bill; which was then read a second time.

Employment of the Poor.] Mr. Alderman *Wood* moved, That the House should resolve itself into a committee on the Irish acts of the 21st, 22nd, and 26th Geo. 3rd, relating to partnerships.

Mr. *Grenfell* thought the bill which his hon. friend wished to found on the acts which they were now to go into a committee upon, was not merely a bill for the employment of the poor, as the object of it was to legalize joint stock companies, leaving the parties to them liable only to the amount of their respective shares. A measure which allowed any number of persons to unite to carry on any trade or business on such a principle, he was of opinion, struck directly at the root of the trade and commerce of the country.

Mr. Alderman *Wood* denied that his bill deserved the character which his hon. friend had given to it. He hoped it would be allowed to be brought in and printed. If it should be objected to, he did not wish to press it but for Ireland, where the importance of such a measure could not

be denied. But when the intended provisions of it were known, he thought, at a time when millions wanted employment, there could be no hesitation in adopting it for this country.

The House then resolved itself into the committee, in which Mr. Alderman Wood moved, "That a Bill should be brought to repeal the Irish acts of the 21st, 22nd, and 26th of the king, for the purpose of consolidating their provisions into one act, and extending the same, to promote the employment of the poor in the fisheries, trade, and manufactory of Ireland, by regulating and encouraging partnerships in that part of the United Kingdom." —The Resolution was agreed to.

HOUSE OF LORDS.

Tuesday, April 14.

PRINCE REGENT'S MESSAGE RESPECTING THE MARRIAGES OF THE ROYAL DUKES.] The Earl of *Liverpool* rose to state, that he wished, from peculiar circumstances, to postpone the consideration of the Message from the Prince Regent on the subject of the Marriages of the Dukes of Clarence and Cambridge until to-morrow. He should then state to the House the nature of the measure which it might be thought advisable to recommend to their lordships adoption, and the grounds on which it would be proposed. In the mean time, he moved, That the said order be discharged.

The Marquis of *Lansdowne* felt it impossible not to state the singular situation in which the House was placed by the message which the noble earl had brought down, and the very extraordinary conduct which had now been adopted upon it. He had always understood that the respect which the House owed to the Crown required that no delay should take place in replying to any communication which might be made from that quarter. The well-known practice of their lordships was always to return an address on the following day; and if this was the general principle in ordinary cases, how much more ought it to be observed in the case of so important a communication as a message relative to the marriage of members of the royal family. It appeared to him, that the House were now bound to take the message into consideration, and return an answer. What motive could there be for delay? It was impossible to believe that the advisers of the Prince Regent, when they recommended the message which had been brought down, were unprepared to state any measures which they could recommend to be adopted upon it. This much he had thought it his duty to state, in order that whatever appeared to be disrespectful to the Crown in the proceedings respecting this communication, might not be laid to the door of the House, but that the blame should fall on those who were the advisers of this extraordinary course, and who had brought down a message from the throne, without being prepared with any proposition upon it for the consideration of the House.

The Earl of *Liverpool* was ready to admit that the blame, if any could be attached to the course of proceeding which had been adopted, must fall on those by whom it was recommended, and he, therefore, was willing to take that blame on himself. With regard to what had been said on the course of proceeding, he should only remark, that when the object of an intended address was merely to return thanks to the Prince Regent for a communication made to the House, the usual practice was, not to postpone it for a day, but to vote it immediately; but when ulterior measures were to be proposed, it was due to the House that they should not be taken by surprise. He therefore thought it improper to propose to move an address until their lordships were in possession of the measure which was to be recommended. He felt that he should not be doing his duty, if he called upon them to give an opinion, before they were made fully acquainted with the sentiments of the Prince Regent's government on the subject, and the requisite information was communicated. It was therefore from no disrespect to the Crown that the delay was proposed, since the sole object of postponing the consideration of the message until to-morrow, was that their lordships might be the better prepared to give their opinion upon the measures which ministers might consider it their duty to recommend.

Lord *Holland* thought it difficult to decide which was more extraordinary, the course which the noble earl proposed to the House to adopt, or the reasoning by which he attempted to support it. He had begun with admitting, that if the House agreed to postpone the consideration of the message, his majesty's ministers, or rather the noble earl only, was to

be charged with all the blame which might attach to such a proceeding. This was, indeed, very condescending in the noble earl; but he apprehended that, if the House discharged the order as recommended—and he defied the noble lord, versed in precedent as he was, to show that ever such an order had been discharged—notwithstanding the generosity of the noble secretary of state, the impropriety of so acting would rest with the House. He knew that his majesty's ministers were so much in the habit of identifying themselves with the government, that they spoke as if they and the Crown were the same thing; but he trusted their lordships would not allow them also to assume the authority of that House, nor place confidence in the opinion of the noble secretary of state, that he could bear all the censure of an act, which, if adopted, must be theirs. If the noble earl was not now able to state the measure that was to be recommended, why did he not propose to move a simple address of thanks? This would be consistent with the usual practice, and he should give the noble earl the opportunity of agreeing to one before he sat down. The noble earl, it was evident, had thought proper to bring down a message, and was not prepared to make any proposition whatever upon it, because he now apprehended an opposition which at first he did not anticipate. It might be recollected, that the noble earl had often spoken as if he were independent of the Prince Regent; and now it appeared that he wished to be independent of parliament, by establishing a little parliament of his own. [Hear, hear!] Among the other extraordinary circumstances which the noble earl's conduct on this occasion disclosed, it was not the least that he recommended to the House of Lords to act in a disrespectful manner towards the Crown, by neglecting to reply to the message: he was not able to form any opinion of his own on the subject of that message, without consulting others. For these reasons it appeared to him that the noble earl was bound to state more distinctly to the House, the grounds on which he expected that their lordships would adopt his advice, and depart from all former precedents. He had no hesitation in declaring, that the course which the noble earl proposed appeared to him not only disrespectful towards the Crown, but also unfair to the Crown, the House, and the people. It was unfair to the House, if their lordships were disposed to carry the message into effect, not to allow them an opportunity of going up immediately with the address. On the other hand, if they thought there was any thing in the circumstances of the country which required that they should not concur in the recommendation of the message, it was unfair both to the Crown and the country not to say so. Why was their lordships character to suffer the imputation of disrespect to the throne by an unnecessary delay in performing their duty? The practice which the noble earl had adopted of consulting private parliamentary committees must have a most inauspicious appearance in the eyes of the country. What was it but calling on the House of Lords to defer what they ought to do now until to-morrow, that ministers might have time to tamper with those who were to decide on the question? He should therefore move, by way of amendment, such an address as he thought their lordships character required them to adopt. He would propose, that they should express their zeal and attachment to the House of Brunswick, and their wish to carry into effect the objects of the message, as far as that could be done in the distressed state of the country. His own opinion—and what his opinion was, he should never shrink from stating on any question—was, that if the marriages contemplated in the message were to take place, suitable provision ought to be made for the princes; but the country had already provided so amply for the splendour and dignity of the Crown, that the provision could be made without imposing any new burthen on the people, and in that way he thought that splendour and dignity would be best consulted. He concluded by moving, instead of the words "that this order be discharged," words to the following purport, to be substituted after the word "that" in the original motion: "An humble address be presented to his royal highness the Prince Regent, to return thanks to his Royal Highness for the information he had been pleased to communicate respecting the intended marriage of his royal highness the duke of Clarence with the princess of Saxe-Meiningen, and of the duke of Cambridge with the princess of Hesse; to express the entire satisfaction of the House in that arrangement, and to assure his Royal Highness that their lordships would

cheerfully concur in all measures necessary to make such suitable provision as the occasion required, and as the zeal, attachment, and loyalty, which their lordships feel towards his majesty's family and government, and the lively sense they entertain of the advantages of preserving the succession to the throne in the family of Brunswick dictate, due regard being had to the present burthened state of the people of this country.

Lord *Sidmouth* wished to recall to their lordships recollection the circumstances under which the present discussion had commenced. The noble marquis who spoke first had said, that if the consideration of the message was postponed, the discredit of that proceeding would belong to the noble earl who had moved the discharge of the order, and not to the House. His noble friend readily admitted the truth of this observation. He candidly acknowledged, that if any discredit belonged to the proceeding, it ought to fall on the advisers of the Prince Regent, and on himself in particular. It had been asserted, that no reasons were stated for the postponement; but he understood his noble friend to have intimated that he would explain the grounds of the postponement when the message should be taken into consideration to-morrow. The address to be moved was not an ordinary congratulation or vote of thanks, and his noble friend justly expected that the House would look to him for the explanation of some plan or measure as the consequence of the message, and also that their lordships would not be disposed to come to a vote without due information on the subject. The noble baron, however, who would be the first to object to an address proposed without any information, now wished to vote one for which no ground whatever had been laid. Was it not proper that the measure which was to be proposed to-morrow should then be explained? Considering the necessity there would be for going into details, it was not candid to call on his noble friend for explanations now. Alterations might be made in the plan. Different impressions which had been produced might be removed [Hear, hear!]. He would repeat, that different impressions might be removed, and alterations suggested, which would require consideration. These were reasons for delay which ought to weigh with his majesty's ministers on such an occasion. His noble friend would be prepared to-morrow to give their lordships the requisite information. As for the amendment proposed by the noble baron, it was of a nature totally unprecedented, and was one which he was confident their lordships would not adopt.

Lord *King* believed this was the first time that a minister had given a decided negative to an address of thanks and congratulation proposed to the throne. It was the usual practice to move an address to the throne on the day after a message was received, and now the noble earl, without any reason, desired the House to abandon that practice. It appeared that the noble lords on the other side of the House could not make up their minds as to what ought to be done until they received hints from persons without the walls of parliament; whereas, on the side of the House on which he stood, they were ready to vote an address as usual to the return of the message, guarding their answer with the words which his noble friend had inserted at the close of his motion. He should, therefore, vote for the amendment.

The Earl of *Lauderdale* objected to the address moved by his noble friend, which he considered as an anomalous and unprecedented proceeding. He objected also more particularly to the expression used in the address, respecting a regard being paid to the burthens imposed upon the people; because it implied that their lordships had upon former occasions been unmindful of those burthens, and thus cast a reflexion upon the House. He, therefore, must oppose his noble friend's address upon this ground, and also because he considered it, under the circumstances in which it was brought forward, as a greater disrespect to the Crown than the postponement of the motion for the address moved by the noble earl opposite.

The Marquis of *Lansdowne* observed, that the House was placed in an unprecedented situation. If the amendment moved by his noble friend was unprecedented, their lordships must perceive that, such as it was, it was forced upon them by the unprecedented conduct of his majesty's ministers. Their lordships had no other alternative but to agree to the amendment, or to adopt the extraordinary course proposed by ministers. The noble earl had assigned no reason to induce their lordships to depart from the usual course: all that he had heard was, that they would be informed to-morrow of

the reasons why they were not to do their duty to-day. The noble viscount, however, had gone a little farther, and made an important revelation. He had said, that by the delay certain impressions might perhaps be removed [No, no, from the ministerial benches]. He had attended to the noble viscount's words, and was confident that impressions to be removed, and alterations to be made in the plan, constituted the reasons which he had assigned for delay. He would ask how were the impressions spoken of, whatever might be their nature, to be removed? Certainly not by argument; for none had been employed. But it appeared that there was some mode by which impressions were to be removed, and alterations made, without the knowledge and concurrence of that House; and that, while that process was going on, their lordships must patiently await the result. As the mode by which this was to be accomplished was, it seemed, not fit to be stated, the House were required to adjourn until ministers came fully prepared with the result of their secret consultations. The House was therefore brought into this strange predicament—that whether they adopted the motion of the noble earl or the amendment of his noble friend, their conduct would be liable to objection. The motion of the noble earl appeared on the face of it the most disrespectful to the Crown, and the most improper for their lordships to adopt; and upon that ground, if his noble friend persisted in putting his amendment, he would vote for it. Ministers had by their conduct imposed upon the House the necessity of choosing between two difficulties.

Lord *Holland* felt it necessary to say a few words in reply. His noble friend who spoke last but one had regarded his amendment as more objectionable than the motion of the noble earl. Would his noble friend, then, suggest any other mode of getting rid of the difficulty in which the House was placed? His motion was a consequence of that of the noble earl; for the mode he had adopted in moving the amendment was rendered necessary by a proposition to discharge the order of the day. His motion certainly would not be respectful, if carried after that order had been discharged. He could not help feeling that he came to this contest with the noble earl on very unequal terms. He came expecting to vote an address on the message of yesterday; but the noble earl entered the House, after having consulted with others, and these others again with others, and perhaps with individual members of parliament. His noble friend had said that the amendment was unprecedented. He certainly must acknowledge that it was in some measure unprecedented, because there never had before been such a motion to amend; but he would contend that the form was not unprecedented, for there had been several instances of addresses to the Crown being moved in the way he had proposed this, by adding words after the word "that" in the original motion, the remaining words of that motion being afterwards negatived. He could not comprehend the ground on which the noble earl persisted in postponing the business on which the House ought now to enter, unless it was supposed that the word "to-morrow" carried with it some extraordinary spell, some magic charm. Yesterday the address was to have been moved "to-morrow"—to-day it was "to-morrow" again. On Thurday it might still be "to-morrow," and on Friday it might be found that two days would fortunately intervene. Thus the measure might be postponed, until ministers were fully prepared to come to a vote. His noble friend had objected to certain words in the address he had moved. The way to cure that was to propose an amendment. He might move that the words he disliked should be omitted. It was, however, very extraordinary that his noble friend should suppose, that the bare act of professing any virtue was a proof of the want of it. But his noble friend had not taken his opposition to the amendment on a sufficiently large scale. He seemed to have forgotten that the address also spoke of the zeal, attachment and loyalty of the House. Nay, his noble friend had but a few days ago agreed to an address to the Crown on the marriage of the Princess Elizabeth, in which these sentiments were expressed, and never intimated that that address was so framed as to throw a suspicion of disloyalty on the majority of their lordships. Did his noble friend suppose that these were not the sentiments by which their lordships were usually governed? But where was the disrespect, as he had framed his motion? It would appear on the Journals, that on a certain day a single peer had proposed that a motion for an address should be discharged. On looking at the Journals, the Crown would find, that the

House had resisted this proposition, and had voted the address. The Crown, he was convinced, would graciously overlook the disloyalty of this peer, and would never seek to know his name [A laugh]. The generous disposition of the princes of the house of Brunswick would prevent them from asking who he was. They would say they did not wish to be informed who the disaffected person was who had refused an address to the throne on such an occasion. The sovereign would doubtless cast a veil of oblivion over the transaction; and if information were offered to be given him on the subject, he would reject it, or act as Pompey did when he destroyed the papers found in the camp of Sartorius. If, however, the noble secretary of state would, after all, promise to agree to the amendment to-morrow, he would now agree to his motion for discharging the order.

The Address was negatived.

The question was then put, That the order be discharged; upon which the House divided: Contents, 51—Not-contents, 12—Majority 39.

HOUSE OF COMMONS.

Tuesday, April 14.

WATER COMPANIES.] Mr. *M. A. Taylor* rose, for the purpose of presenting a petition from the vestry of the parish of St. Mary-le-bone, praying that they might be allowed to introduce a petition for a bill to establish a new water company. He should move that this petition be referred to a committee. But, before he did so, he found it necessary to make a few observations. The proper supply of water was of very great importance to the metropolis, and in order that a sufficient quantity of that necessary article should be obtained, the New-river company was incorporated. Since that period several other companies were instituted. Lately there appeared a design amongst them to over-ride each other; and one company, by underselling another, had endeavoured to insure public favour. Thus, if one company offered to supply water at 10*s.* per annum, another immediately proposed to force the water, by a superior power, even to the upper parts of houses, for 5*s.* The consequence was, that the companies became so distressed in their finances, that they were almost under the necessity of stopping their works. Had they been absolutely compelled to stop them, this great metropolis would have been deprived of water, which was so necessary for the preservation of health, for culinary purposes, and to prevent the ravages of fire. In this situation of things, the water companies found themselves under the necessity of carving out the metropolis into districts, which those most convenient to them were to supply; but in this allotment several places were totally omitted, and amongst the rest, that where he resided, so that they were almost prevented from procuring water at all. He was induced to look into this subject, in consequence of having last session brought in the metropolis paving act; and he then saw the necessity of putting an end to the imposition of the water companies. It was clear that competition was always necessary to insure to the public a supply of every article at the most reasonable rate; and, as the public, in this instance, were deprived of the benefit of such a competition, he could wish to place them in that situation which would prevent them from lying at the mercy of the water companies, who might now call on them to pay what rate they pleased. Instead of that, he thought a maximum ought to be affixed to the supply, beyond which the water companies should not be suffered to proceed, and also that a reserve, in case of fire, should always be ready to check the progress of that devouring element. It was notorious, that, about seven weeks ago, a dreadful fire broke out in the Strand, at which several lives were lost, in consequence of the boiler of the York-buildings water company being out of repair, which prevented the water from being turned on. If the House granted a committee, he hoped such measures would be taken, as would prevent an occurrence of this kind in future. The water companies themselves must see the baneful effects of such a monopoly, and he could not conceive that even their friends would oppose the formation of a committee up-stairs.

Mr. *Warre* believed the watercompanies were themselves anxious to propose a maximum. The Grand Junction company, he understood, had no objection whatever, to the principle, since it was one on which they acted at present.

The petition was referred to a committee.

WOOL TRADE.] Mr. *Walter Burrell* rose to move, "That a select committee

be appointed to inquire into the state of the laws which restrain the Trade in Wool, the growth of Great Britain." He observed, that whatever objections might, at a former period, be urged against the adoption of such a measure, the time was now come when the manufacturers ought to concede the boon which the agricultural body had long looked for, namely, the right of exporting their wool. When the manufacturers were in a state of rapid improvement, he conceived he had a right to ask for this favour at their hands. The long wools of Lincolnshire and Leicestershire had sunk in price, in consequence of the quantity of foreign wool imported; and it was but fair that the growers should be allowed every means for the fair disposal of their property. In 1814 and 1815 no less than 30,700,000 lbs. of wool were imported. Last year there was not so large an importation, but still it was very considerable. The foreign manufacturer had a very great advantage over the wool-grower of this country. He was enabled, in consequence of his not being burdened with poor-rates, to undersell the English grower, and this accounted for the market being overstocked with foreign wool. There was no other staple commodity of the country placed under such an interdict. Every other species of produce, either of our colonies or of home growth, was allowed to be exported, and he could see no good reason why the same principle should not be extended to wool. The hon. member concluded by moving for a Select committee.

Lord *Lascelles* said, that he would endeavour to prove, that there was no sufficient ground laid for the present application. The only ground that could be advanced was, that the wool of this country was in such a state of depreciation, as to call for the interference of the House. So far was this from being the case, that wool had, since the year 1816, and even in the last year, increased in price from 1*s.* 2*d.* and 1*s.* 3*d.* to 1*s.* 7*d.* and 1*s.* 10*d.* per lb. Kentish wool, from 1*s.* 2*d.* and 1*s.* 6*d.* to 2*s.* and 2*s.* 2*d.* Sussex, from 1*s.* 6*d.* and 1*s.* 8*d.* to 2*s.* and 2*s.* 3*d.* Leicestershire wools, from 20*l.* and 30*l.* to 37*l.* and 40*l.* per tod. The price of wool, it thus appeared, was rising in this country; and, notwithstanding the home growth, and that procured from abroad, the market was inadequately supplied. It would be a satisfaction to the House to hear, after what had been stated to them relative to the woollen manufactures of Yorkshire, that at no period had there been known so flourishing a year as the last, with the exception of the year 1813. He spoke of the absolute quantity of broad cloths manufactured. Of narrow cloths there had been a smaller amount manufactured than in former years; but that was made up by the great quantity of lady's clothes and other articles of that kind, for which there was a great demand. Under these circumstances, the hon. mover said, the manufacturers could afford to grant this boon. But the fact appeared to him to be the other way. It surely was better for this country to import the raw material, and send it out in a manufactured state, than impose duties on the introduction of the commodity. The great plea made use of was, the propriety of increasing the quantity of a certain description of wool; as if that could be done without diminishing the growth of another kind. If the principle of the hon. member were adopted, they might grow fine wool in greater quantities, but they would do away with the growth of long wool. Now, the former could be imported from any part of the world, but the latter could not be found any where else. That very species of wool, which it was in contemplation to export to the foreign market, was that, without which the foreign manufacturer could not furnish goods equal to those produced in England. Would they, then, act wisely to supply him with the article? It was said, "refer this matter to a select committee; they will report; and if you do not choose to agree with that report, there is an end of the business." But, on a question of such importance to the manufacturers of the West and North of England, it was impossible to go into an examination, without investigating the price of wool, going into the subject of machinery, and other incidental matters, of great importance. If the report was not agreed to, he conceived it would be most injurious to the country, to let it go abroad. In 1816, when a committee was formed on this subject, his conduct was reprobated both within and without that House. On that occasion, he felt that the report would be so dangerous, that he moved a resolution in the committee, confining them to the consideration of the matters contained in the petition alone. That resolution was agreed to, and the committee only considered whether the state of the price of wool demanded the

interference of the legislature. Nothing was done on that occasion, because it was found that the state of the price did not justify any new measure. The present motion was founded on the petitions of last session. Not a new one, except that which was that day laid on the table of the House, had been presented on the subject. In 1816 the committee was appointed previous to the Easter recess, and the whole country knew of it; and, with regard to the complaint of the low price of wool, not an individual, on that occasion, appeared to substantiate it. Under all these considerations, therefore, at a time when the manufacturers were commencing their operations with renewed vigour, and when, in fact, with regard to the article in question, there was an insufficient supply of the raw material from abroad, he was decidedly of opinion that the interference of the House was not required.

Mr. *Curwen* said:—I cannot let this question, which is highly important both to the agricultural and manufacturing interests of the country, go to a division, without offering a few observations on it. I am as little disposed to question the hon. mover's zeal for agriculture, as, I trust, he will be mine. The result of such a measure would, in the first instance, create great alarm in the manufacturing districts, and if in the end it succeed in its object, would materially injure those it was meant to serve. When this question was entertained two years ago, the situation of the fine wool flock masters was very different to their present state: they were then suffering very severely—but who was not? The whole country was distressed. The growers of wool, with every other produce and branch of trade, have greatly recovered, and I conceive I shall be able to show that the former have as little or less cause of complaint than most. I do think the hon. mover is liable to have objected to him, what is frequently imputed to the farmer, on the score of weather, "that he is never to be satisfied." In 1816 fine wool could scarcely be sold at any price—nominally it was from 14*d.* to 18*d.* per lb.—the carcase at 6*d.* per lb. sinking the offal. Contrast this with the present value—wool 2*s.* per lb.—carcase at 10*d.* Thus a sheep of 60 lbs. which would then have produced 34*s.* 6*d.* now fetches 56*s.* I do not know that markets were ever better for the South down flock masters. It must be gratifying to the House to hear from the noble lord the flourishing state of the woollen manufacture. It is not on this ground that the hon. mover rests the claims of the flock-masters! The prosperity of agriculture will ever be found to be in exact proportion to that of our manufactories and trade. The demand and consumption of agricultural produce must depend on the ability of the manufacturing and trading population to purchase. The truth of this will not be questioned. On this ground alone I would make my stand. There are supposed to be thirty millions of sheep in the kingdom. Estimating their average value at one pound per head, and taking the value of their wool at one-sixth, the produce of wool would amount to five millions—two-thirds of which is fine, the remainder long or combing wool. I am ready to admit, for the sake of argument, that a free export of wool might enhance the value one million to the flock-masters; but at what national loss would this be obtained? As wool when manufactured, on an average, may be esteemed at least of seven times the value of the raw material, it consequently produces thirty-five millions, the principal part of which is labour. To this must be added the fine clothing wool annually purchased to the amount of a million and a half, adding ten millions more to the former statement: so that the total value of the woollen and worsted manufacture may be taken at 45 millions, and deducting from this sum the first cost of the raw material, there would remain forty millions annually created by labour and capital. I would ask any gentleman whether he doubts the operation of this created capital in raising agricultural produce, so as to produce a greater advantage to the whole agriculture of the kingdom than the million expected to be gained by the flock-masters by the free export of wool. Nor would the measure benefit the grower of fine wool; it is long or combing wool alone that would find sale in the foreign markets—the sale of which would deprive us of the benefit of manufacturing foreign wool. It would happen in this case as it has done in a very recent instance: a duty of 10*l.* per ton was laid on rape-seed to benefit the growers of that commodity; the consequence has been that 5*l.* per ton has been laid by the Dutch on the export of the cake from Holland, Norfolk, and Suffolk, and the light soils in Yorkshire cannot now obtain rape-seed cakes at a price they can afford to use them. The free export

of wool would be the signal for laying a duty on the export of clothing wool from foreign countries. It may be contended that all that is wanted is, to create a greater competition in our home market —as it is, our cloths can with difficulty compete with those manufactured abroad. Thus, if the measure had its desired effect, it would totally destroy our export trade. Now, Sir, on the former discussion there was not one petition from the growers of long or combing wool, they felt they were amply paid and asked no more. Were fine wool alone permitted to be exported, not a pound of it would be sold. The Merino wool, which is the general growth on the continent, has a decided preference over our South down, and unless a bounty was given on its export, the measure would be nugatory. It is asked, why grant a free trade in grain, and refuse it in wool? The answer is obvious—the value of the former cannot be augmented by the manufacture of it, while that of the latter is so infinitely increased, and cannot be exported without taking the bread from thousands. Few could be gainers by such a trade; many would be losers. Whence arises the present sufferings of the country? Is it not from a redundant population, and a general want of employment? The obvious tendency of this measure is, to augment the universal sufferings of the people, as well as to injure every farmer in the kingdom, who would lose customers for his produce to a great amount. Could I for one moment confine my views of advantage solely and exclusively to the interests of agriculture, I should oppose the measure. But short-sighted must that person be, who is not fully aware that the prosperity of agriculture depends on the flourishing state of our manufactories and trade. No injury can be inflicted on the one, without its being severely felt by the others. Anxious to promote the permanent interest of all classes of the empire, I give my decided opposition to the proposed measure.

Mr. *Davies Gilbert* was of opinion, that it would be a very great hardship if the House rejected a proposition of this kind, which was merely for an inquiry, as to the propriety of allowing a particular monopoly to exist any longer. On this ground, without pledging himself to support any future measure, he would vote for the motion.

Mr. *Shiffner* supported the motion for a committee, as he was well aware that infinite pains had been taken, in large districts, to promote the growth of wool for our manufactures, which, he was happy to hear from a noble lord, were in a flourishing condition; and he wished the wool growers to be as well protected in procuring a fair price for the article, as the owners of all other commodities were.

Mr. *Hart Davis* said, he believed there was not at present a sufficient supply of wool in the market. He had obtained, during the present year, as an agriculturalist, 30 per cent more for his wool than what he had been accustomed to receive. He therefore could not think that there was any ground for going into a committee.

Mr. *Holme Sumner* thought it would be most unjust to the wool-growers if the subject was not examined. In the committee of 1816, to which the noble lord had alluded, the proceedings were hurried forward in the most summary manner. A number of individuals had complained to him, that in consequence of the hasty manner in which the business was conducted, they had not had an opportunity of expressing their sentiments. He did not believe that the statement of the noble lord was correct, when he said, that, in proportion as one species of wool was encouraged, another must be depreciated. There were two descriptions of land applicable to the growth of different kinds of wool, and, in consequence of the alteration of the times, considerable quantities of each description would be thrown out of cultivation, and would, of course, be employed in pasture. Differing with the noble lord in the idea that information upon this subject would be injurious to the interests of the persons concerned in the trade, he really did hope that, considering that the question had not yet had a fair investigation, this committee would be appointed. It was quite a new idea to him, that a fair investigation into so important a subject as this would be injurious to the interests of the country.

Mr. Alderman *Atkins* said, it was evident that the object of the hon. mover was, to admit the exportation of a particular sort of wool. If this was allowed, there would be such a fluctuation in the price as must materially affect the manufacturers. It appeared to him, that if the inquiry was agreed to, it would check the importation of wool from abroad. This would narrow the amount of manufactures—a circumstance which he considered

extremely dangerous at the present moment.

Sir *James Graham* said, that the price of wool had considerably increased since this time last year. No new petitions had been presented to the House. Instead of having the table covered with them, only one had been brought up. Under these circumstances, would they throw the manufacturing districts into confusion and alarm, by entering upon such an inquiry? If gentlemen looked to the end of the American war, they would find that the present prices of wool were five, six, or seven times as great as they then were. He could not consent that a system which had existed for near two hundred years, and which had been so advantageous to our manufactures, should be disturbed; and he hoped that the House would pause before they took the first step for that purpose.

Mr. *Frankland Lewis* said, that having been placed in the chair of the committee of 1816, he felt it his duty to express his sentiments upon the present occasion. If there was no stronger argument in favour of the appointment of this committee, than that the committee which sat two years ago to investigate the same subject which it was now proposed to consider, had made no inquiry into the question, he should vote for the present motion. It could not be denied, that the present period offered a very favourable opportunity for the investigation; and he conceived that the House was imperiously called upon to appoint the committee. He would venture to say, that there never was a question which had been attempted to be disposed of by arguments so irrelevant and futile. Was it to be maintained, that the appointment or non-appointment of the committee was to depend upon the price of wool—whether it was higher or lower at the present time than in former years? The committee would have other objects for its consideration. It would have to ascertain what degree of increase of price the agricultural interest had been deprived of by the system which had been adopted. The policy of the mercantile system had been to have a free export and import of all commodities; and even a free export of corn, one of the first necessaries of life, had been allowed. Why, then, he would ask, was the exportation of wool prohibited in all times, and under all circumstances? In some trades there was but a single monopoly against them, but in the wool trade there was a double monopoly. The wool-growers were compelled to sell to none but the home manufacturers of wool, and to buy of none but those same manufacturers. Instead, therefore, of having the privilege of selling to as wide a market as possible, they were confined within the narrowest limits. Was it fair, to put one class of individuals in so advantageous, and the other in so disadvantageous, a situation? If the House would allow the committee to be appointed, he would himself undertake to prove, that all the grounds upon which this policy of prohibition was founded in 1660, when the prohibition was complete, were wholly untenable. Not one of those arguments then brought forward in favour of the measure could now be maintained; for they amounted to nothing short of this—that Europe could not manufacture cloth without the assistance of English wool. He would also prove to the committee, that a very large revenue would be raised upon the exportation of wool; and that was a point to which the House ought peculiarly to attend. As large a sum might be raised by this means as would enable ministers to repeal the additional duties on leather. This was one of the benefits which would arise, and he might enumerate others, but he would not now detain the House. He conceived that he had stated ample grounds for the appointment of the committee, and he should sit down with declaring, that he should give his vote in favour of the motion.

The House then divided: Ayes, 80; Noes, 85. The motion was consequently negatived.

PRINCE REGENT'S MESSAGE RESPECTING THE MARRIAGES OF THE ROYAL DUKES.] Mr. *Wilberforce* rose, and inquired of the noble lord whether he intended to proceed immediately to move for a committee on the Prince Regent's Message; as in that case he would postpone a notice of his, which stood for that evening.

Lord *Castlereagh* said, it was his intention to propose that the order of the day for going into a committee on the Message should be read, with a view to the postponement of it [Cries of Hear, hear!].

The order of the day was then read. Lord Castlereagh moved, That the committee be deferred till to-morrow.

Mr. *Brougham* said, when he had taken the liberty, on the preceding evening, to move for the insertion of a few moderate, and, as he thought, constitutional expressions, in the Address to the throne, the proposition was met, by different sides of that House—by the benches opposite, and by his hon. friends below him, to whose authority he was more disposed to bow—with a declaration, that it was contrary to precedent. His hon. friends agreed with him in principle, and were anxious to place on the face of the address, a statement of the necessity of economy in any grant that might be made. They said, however, they could not adopt it, merely because it was contrary to the received practice in such cases. The precedent usually followed in addresses to the throne, in answer to royal messages, was cited against his proposition; and he was told that his amendment could not be agreed to, in consequence of the principle that had been long adopted. But what was the conduct of the noble lord? He now came down to the House, and deviated from all precedent. The noble lord moved, that an order should be postponed for taking into consideration, on the day on which the House had directed it should be taken into consideration, a message from the throne, an amendment to which message proposed yesterday by him, was negatived, merely because such a proceeding was unusual. The reason why those forms were necessary was, because they were founded on a due respect to the throne—because they originated in that respectful attention which was owing to every thing that proceeded from that quarter, whether in the shape of a speech or of a message. And much was sacrificed in debate, and in consideration, for the purpose of coinciding in this principle, and showing decorous attention to communications of this nature. This was evident—for they were often called on promptly to deliver their opinion, where delicate and critical matters would, under other circumstances, have called for deliberate serious investigation. They acted on those occasions, thus promptly, because the business came recommended in the manner to which he had alluded. The plain English of the present proceeding was too obvious to allow it to remain secret for one second to any person, who wished to discover it. A noble lord, a member of the other House, and standing at the head of his majesty's councils—in a private room—in a manner contrary to the spirit of the British constitution—in a way which was against all practice, but which no man, even if the practice existed, could defend on that ground—had thought fit to meet a select body of the members of this House. He understood the party consisted, in general, of most respectable country gentlemen—of gentlemen, whose liberality of conduct, and whose general tendency of principle, to support government, where they could at all support it, were perfectly well known to the noble lord. One or two of those gentlemen, he had been informed, were not of the description he had stated. An honourable member of the learned profession to which he was attached (Mr. Wynn), was, he understood, included in this selection. This looked as if the noble lord felt a doubt upon the subject—this appeared as if ministers wished to feel their way before they came to a decision. Many gentlemen were excluded from that favoured body—but why that principle of exclusion was adopted, after the principle of selection had been acted on so widely as he had stated, he was at a loss to conceive. There was a full attendance of the country gentlemen, who were much respected, and who were to be feared by the minister on account of their weight. To them a disclosure of a most delicate nature was made—a disclosure which was refused to that House, when first that House asked it [Hear, hear!]. If such meetings as this were to be allowed—if parliament was to be silent when they heard of such assemblies—it was a mockery to proceed to a debate in the House of Commons. The debate might go on—the result of the division might be declared by the Speaker from the chair—but, in point of fact, the matter would have been previously settled elsewhere—[Hear!]. How settled? By private means—by practising on members of that House in various ways—which he had constitutionally speaking, a right to suspect government of a wish to do, when they proceeded in such a course. The preliminary debate was carried on in silence; and in silence and darkness the feelings of particular individuals were ascertained. If ministers found that the majority was so commanding that they were sure of carrying their measure, the House would hear nothing more of the transaction,

unless by some unaccountable mistake, like that which fortunately occurred yesterday, the business came to be noticed. It was a mockery to talk of legislation, if such private debates were permitted. Not having had an opportunity before of fully speaking his mind on this subject, he now rose to enter his protest against such an unconstitutional practice. He could not let it pass, with a proper regard to the discharge of his parliamentary duty. But it seemed lord Liverpool had mistaken the sense of this secret meeting. The astonishment and silence of the parties assembled at it, had, somehow or other been taken for assent [Hear, hear!] But no sooner had those gentlemen come to the public and known House of Commons, than they opened their mouths, and, one after another, they all declared—what tended to the no small confusion of ministers—that it was a proposition so extravagant, that they could not possibly concur in it. One after another they had made this declaration; and although a certain right hon. friend below him (Mr. Tierney) defied any one of them to state that he was an exception to this rule, not one of them rose in his place and said, "I agreed in the proposition made at the earl of Liverpool's—I dissented from the independent gentlemen who met there." But, he understood other meetings had taken place there, and that there had been more feeling of pulses. He had a right to believe as no auspicious result attended the first meeting, that others would be sought. And now another delay was required, not that more pulses might be felt, but that arts might be used, and unconstitutional practices resorted to, in order to get over those gentlemen, whose honesty stood so conspicuously recorded by their conduct last night. If the House passed over this proceeding of ministers, they would tacitly agree in the practices of the noble lord. He had called on the House to sanction, indirectly, what he knew he could not directly propose. He should, therefore, take the liberty of moving, if the motion of the noble lord were disposed of by a negative, which he could not help believing the House would have the virtue, firmness, and consistency, to give—he would, in that event, move a resolution, so constitutional in its nature, and, at the same time, in language so respectful and temperate towards the parties out of doors, whose interests it was meant to touch, as would, he doubted not, meet the general concurrence of the House.

Lord *Castlereagh* said, that if deliberations out of the House, previously to the submitting of any proposition to the House, were to be prohibited, this would be the first time that it had been done. The hon. and learned gentleman was in the habit of throwing out ideas perfectly novel; but he apprehended, if he wished to prevent communications with members out of the House on any propositions which might be submitted to it, he would not only introduce a system entirely new, but make it probable that the propositions would not be proper or wise in themselves. He must, therefore, enter his counter protest against the new constitutional doctrine of the hon. and learned gentleman, as impracticable, unwise, and unconstitutional. The hon. and learned gentleman was pleased to say, that if the motion was postponed, it must be for the purpose of practising on members. It was ascribing a high degree of power to his majesty's ministers, to suppose that between this day and to-morrow, they could carry on practices which would make converts of those who had already marked by their votes their opinions on the proposition which was to be made to them. The hon. and learned gentleman should have been induced to take a more candid view of the state of the case; but in this instance he had only followed up the system of vilifying his majesty's ministers (who had nevertheless hitherto possessed the confidence of the Crown and of parliament, and who would always endeavour to merit it), and of running down the existing system, to substitute some novelty in its stead. He hoped the House would consent to postpone the consideration of the message till to-morrow, and he should then state the reasons which had actuated his majesty's ministers in bringing forward the proposition which they should then make, and he hoped the House would be satisfied, whether the proposition was adopted or not, that they had done what they conceived to be their duty, not only to the Crown, but to the country.

Mr. *Tierney* said, that if the object of his hon. and learned friend had been, as the noble lord was pleased to state, to vilify his majesty's ministers, he had never known any gentleman apply greater talents to so needless an object; for never did any administration, within eight and forty hours, take such pains to vilify itself. It

was indeed a most unnecessary task, for never did any men stand in the face of the world in a more contemptible situation than the present ministers. He used the words advisedly; for he knew of no other words in the English language by which to express his opinion fairly. The noble lord had attributed to his hon. and learned friend, that he had laid it down broadly, that all previous consultation respecting propositions to be submitted to the House was unconstitutional. His hon. and learned friend had never said any thing so absurd. If the ministers wished to propose a measure affecting any particular branch of trade, there was never an idea that it would be improper to consult with the persons connected with it. But in this case how had the ministers acted with respect to the monarch, the House, and the country? On Saturday every thing had been settled with his royal highness the Prince Regent as to this question. It was determined what was the fit thing to be proposed to parliament. That was previous to the meeting at lord Liverpool's. Then, some how or other, a rumour arose, that this proposition, which the ministers had advised the Prince Regent was a fit one, was not likely to meet with the concurrence of the members of the House of Commons. The faithful few then assembled the tried many at lord Liverpool's, to submit to them the proposition which they had before advised the Prince Regent to recommend. If these meetings were to take place, there should be something like a gallery in lord Liverpool's room, where those who had not the favour to be admitted into the body might hear the debates. On this occasion, however, there was no debate. It was a Quaker's meeting. The noble lord, indeed, made a speech of considerable length, but those who were assembled said nothing to him or his speech either. Scarcely had they stepped over the threshold, when it was discovered that a mutiny had broken out among the minister's troops, and they came here manfully to declare their opinions. The moment these selected gentlemen found themselves in the air of this House, which, to be sure, was a very different atmosphere from that of Fife House, they, one after the other, avowed their dissent. Now, there certainly was no man more disposed to give these gentlemen credit for manly principles, supported in a manly manner, than he was. He therefore would give them their meed of applause, whether Whigs or Tories, for maintaining what in their conscience they felt themselves called upon to avow. The result of all this was, that the noble lord first called on the House to wait for twenty-four hours, and now he found it necessary to make it eight and forty. But what reason had been given for this delay? None at all. The noble lord had merely said, "wait till to-morrow, and I will tell you why you should postpone till to-morrow." The real truth was, that he had to go and seek advice amongst the rest of his colleagues; and such a situation as his between his colleagues and the House was one truly to be commiserated. In that meeting (for it had all come out since), it had been proposed that the duke of Clarence should receive an additional income, rendering his total income equal to 40,000*l.*, with an outfit of 20,000*l.* The duke of Kent was to receive 12,000*l.* so as to make his total income 30,000*l.* per annum, with 12,000*l.* as an outfit; the duke of Cumberland—[shouts of Hear; hear!]—was to receive an additional 12,000*l.* per annum, making his income 30,000*l.* with an outfit of 12,000*l.*; and the duke of Cambridge's income was to be augmented to 30,000*l.* a year by an additional vote of 12,000*l.* a year, and 12,000*l.* as an outfit, making a total of 116,000*l.* to be granted during the first year, at a time when the country was so ill able to make good its present taxes. This, if he had not been grossly misinformed, was the substance of the proposition which had been brought forward at lord Liverpool's. He could not help believing that his royal highness the Prince Regent thought the advice given him was perfectly right, and such as should be acted upon—that the ministers imagined too, that these illustrious persons could not maintain their state and dignity in the situations in which they were or might be placed, here or in foreign countries, on a more economical scale. But after admitting all this, did it not clearly appear that the noble lord had thus incautiously advised his royal master, and as soon as he had found the proposition unpalatable, had then deserted him? Except they now abandoned the sums proposed, what was the object of their putting off the discussion? They flattered themselves they might now, after proposing a greater, propose a less sum. And yet such men could talk the other evening of his hon.

and learned friend's motion running down and destroying the system of administration. Could they be even accused of having any system? Only look at the bench opposite, and see if any thing like system can proceed from such a strange, heterogeneous, and discordant body as that bench presents [Hear, hear! and a laugh.] Their only system was this—"try one thing, and if that won't do, try another." He must say he felt for the situation of the noble lord; he had much commiseration for one who, in the eyes of foreign ministers, had assumed a character of importance and responsibility, resembling that of a sovereign rather than a minister. When he found that noble individual at a loss in the House to know what he could or might do, with reference to the wishes of others not in that House, he anticipated some advantages from the delay, and hoped the longer such delay was, the more the noble lord would moderate his proposition. So far was even well. He should wait patiently till to-morrow. But of one thing he was convinced, that nothing would satisfy any honest man in or out of that House, or quiet the minds of the people of this country, except an abandonment of the proposition altogether.

Lord *Folkestone* said, he was surprised to have heard so much last night respecting the forms of proceeding in that House, and now witnessing nothing but attempts at violating all order and precedent, by the very parties so anxious to preserve it last night. He wished to know, whether any precedent was to be found in which an order for taking into consideration a message from the Crown was discharged; and, if there was any such precedent, whether there was any case in which the order had been discharged, without any reason being alleged.

The Message was ordered to be taken into consideration by the committee to-morrow.

The motion was then agreed to, without a division.

PRIVATELY STEALING IN SHOPS BILL.] Sir Samuel Romilly having moved, that this Bill be read a third time,

The *Attorney General* said, he did not intend to oppose the provisions of the bill, but he wished the terms of the preamble to be changed. The preamble sat forth, that this bill was founded on the principle that extreme severity was calculated to obtain impunity for crimes. To this principle he did not object, but he objected to the consequences of such a declaration of it. It might mislead men into a supposition that punishment ought to be proportioned to the precise degree of moral turpitude. He contended, that severity ought to regard not only the moral turpitude of the offender, but the pernicious consequences of his offence. There were crimes which might be committed with a degree of moral depravity, far short of that which prompted offences of a venial character, but which on account of the consequences, merited, next to murder, the greatest of all crimes, the severest punishment. The second proposition, on which he founded his opposition to the preamble was, that by declaring the change in the value of money to be a reason for altering the law, it pledged the House to alter every other act that was connected with such a variable commodity. The amendment which he now proposed went, therefore, not to affect the bill itself, but to restore it to its original and limited intention. It was, that for the words which stated that the extreme severity of punishment, by increasing the difficulty of conviction, afforded impunity to crimes, and which made the change in the value of money a reason for altering the law, should be substituted, simply, an expression of the expediency of repealing the law as at present constituted. [Hear, hear!]

Sir *Samuel Romilly* thought the objections not worthy of much consideration, but that the approbation which some members on the other side had expressed might render it proper to offer some reply. He could not accede to the amendment, because it would expunge the very principle which made the bill both necessary and proper. His hon. and learned friend had spoken of the preamble as containing abstract propositions. What he had objected to as abtract propositions were only the result of observations founded on long experience. There was an indolence of legislation in modern times which suffered acts to be passed founded on no distinct principle at all. It had not been so formerly, and he was anxious to follow the example of better times, and to conform to a more reasonable standard, by stating in his preamble the precise character of the bill. The principle now objected to was the very foundation of the bill. "Extreme severity"—he begged the House would attend to the expression—"*extreme*

severity, by rendering conviction more difficult, afforded impunity to crime." This was a truth of universal notoriety. It was well known, that the fear of the punishment of death following conviction, had often prevented prosecutions for privately stealing, and had thus afforded entire impunity to the crime. Instances were so numerous, and had been so frequently stated, that it was unnecessary to trouble the House with a reference to them. But, in the courts of justices, cases had lately occurred, which he would mention, merely for the sake of exemplification of this obvious fact. He trusted, of course, to the authority of the newspapers for those cases. At the last assizes in the county of Southampton, a man was convicted of a burglary. A servant had broken into his master's house, and taken property to a considerable amount. On account of the disproportionate severity of the punishment, applications were made to the secretary of state for a mitigation of the sentence. But all those applications were unsuccessful, and the criminal was executed. In the newspapers the reason assigned for the failure of these applications was, that the judges had come to a resolution, that all servants convicted of stealing from their masters should suffer death. Whether the judges had come to such a resolution he knew not, nor did he pretend to censure them if they had; but if it was their resolution, it ought to be declared by a legislative enactment, and not to rest on a private agreement; for then servants would clearly see their situation, and be perhaps deterred from the crime. But his object was to point out the effect of such proceedings on the minds of juries. In the last Old Bailey sessions, a person of the name of Milwood was tried for having stolen property to the amount of several hundred pounds from his master. The evidence was conclusive, and the jury convicted him, but they found him guilty of stealing to the value of 39 shillings. Could any man doubt that the jury, in this case, returned such a verdict in consequence of the statement in the newspapers, of the resolution of the judges that death should follow upon a verdict of guilty of stealing to the value of 40*s.*? He did not mean to blame the jury, although he could not adopt the language of judge Blackstone, who had pronounced such verdicts, "pious perjuries." The jury were driven to the dreadful alternative of acting in opposition to the awful oath they had taken, or of handing over a fellow being to the last punishment, for a crime which had not been regularly connected with such a punishment. With those facts in their faces, could they pretend to say that the principle was not both manifest in itself, and an imperative reason for altering the law? As to the second ground of objection, could any one pretend that 5*s.* was now the same sum in value as in the reign of king William? Was it not now equal to 20*s.* or at least to 10*s.*? If so, the punishment of death for 5*s.* now was necessarily more severe than the act contemplated, since it was applied to a sum not one half the value of the sum to which the act had limited it. This was undeniably the standard assumed in the act. That standard being changed by the depreciation of money, a change in the act was necessary. His hon. and learned friend had said, that if the House acted on this principle now, it would pledge them to similar conduct on all similar occasions. He had never heard it urged as a reason why the House should agree to any measure, that they had sanctioned the principle on which it was founded in the preamble of another measure. But if they were so pledged, what was the injury? If there was any other act on this principle; if in any one other case extreme severity arose from the same changes, why not make a similar alteration, and why should not the House be pledged to it? On these grounds he would press the preamble as it now stood.

Mr. *Wilberforce* gave his most full and cordial support to the measure proposed by his hon. and learned friend. He thought that if he (Mr. W.) or any other member had any thing, with which to reproach themselves, it was their not having exerted themselves in endeavouring to render the penal code of this country less bloody than it was at present. He was of opinion that the entire penal code ought to be revised, that punishment ought to be apportioned to the crime, and that their united efforts ought to tend to the grand object of free and just legislation—that of adopting all possible means of preventing crime, and of checking it in its early stages. The hon. member here alluded to the very great success with which a benevolent and truly humane lady, Mrs. Fry, had exerted herself in reforming the numerous class of female prisoners, who have been from time to time in Newgate.

Such an example shown by a lady, ought to be a stimulus to all in whose power it was to exert themselves in so benevolent and so politic an object as that of improving the morals of the lower classes, and of reclaiming those who were but partially acquainted with crime. What had been done by a single individual was an indication of what their united efforts might accomplish. He hoped the statute book would be looked over, and that such alterations would be made in the penal code as were suited to the present times, and to a liberal and enlightened policy. He was sure if such were to be the case, that no member in the House would be more desirous, or was more capable, of rendering every assistance in the attainment of such an object, than his hon. and learned friend (the attorney-general), with whom he had the misfortune to differ on the question before the House. As the law now stood with respect to the question before them, life was made a matter of gambling speculation with the unfortunate persons who were driven, either by wickedness or by want, to commit such crimes. The chances were regularly calculated—the probability of being detected, the probability of the prosecutor coming forward against them, the difficulty of proof, and the lenity of the jury, were all taken into consideration, and the chances were frequently found to be in their favour. But no such thing would take place if the law was clearly pointed out, and if it was fully understood that such an offence would be certainly and invariably punished by such a penalty. He begged pardon for detaining the House on the subject, but he was anxious to express his sentiments on so important a question, and he felt gratified to think that his hon. and learned friend had devoted his great talents to the consideration of the subject, as he knew no man in the country more capable of forming a just estimate of the grievance sustained, and of the remedy to be adopted, than the hon. and learned member was.

The Amendment was then put and negatived; after which the bill was passed.

HOUSE OF LORDS.

Wednesday, April 15.

PRINCE REGENT'S MESSAGE RESPECTING THE MARRIAGES OF THE ROYAL DUKES.] The order of the day for taking the Prince Regent's Message, into consideration, being moved, his Royal Highness's Message was again read by the Clerk; after which,

The Earl of *Liverpool* said, he rose for the purpose of proposing an answer on the part of the House to the Message, which their lordships had just heard read. The noble lord who yesterday moved an amendment on the motion, that the order be discharged, in stating his objections to that motion, intimated, that if the address to be moved was such a one as he proposed, containing merely an assurance that their lordships would concur in making a suitable arrangement for the intended marriages, it would meet with no objection from him. The address which he intended to move would, therefore, be one on which no difference of opinion could be expected. It would not pledge their lordships to any opinion, either as to the whole, or as to any part of the arrangement. Its purport would be merely to thank his royal highness the Prince Regent for the communication he had been pleased to make, and to express the disposition of this House to concur in making a suitable provision for the events contemplated in the message. Though this was a motion which he might be warranted in making, without any prefatory explanation whatever, yet he was confident that there were no recent instances of such an address being proposed in which it had not been expected of ministers to state what were the views they entertained on the subject. Some questions would in all probability be asked, and it was to be expected that ministers would be called upon to state what they intended ultimately to propose. Their lordships were aware, however, that according to the practice of the constitution, no arrangement which might be made on the present occasion could be proposed for the immediate consideration of that House. It must originate elsewhere, and it was impossible for the executive government to see what might be the fate of any proposition which might be made in that place. It might undergo modifications, or it might be rejected entirely. But their lordships security was, that it must come before them in the shape of a bill, on which they would have the opportunity of finally giving their decision. He might, therefore, fairly consider himself precluded from the necessity of any explanation; but the usual practice proved, that their lordships did consider that the

ministers of the crown ought to state the nature of the measure which it was intended to submit in the other House. Such had been the course he had followed some years ago, and in the year 1815, when he thought it necessary to give a full explanation of the intended measure. If, however, there was any occasion in which he could be more anxious than another to give an explanation to their lordships of the views entertained by his majesty's ministers on a measure to be submitted to them, the present was that occasion. Whatever difference of opinion might arise—whatever might be the result of the proposition—he should feel that he was not acting a candid and manly part, if he did not come forward and state, not only the arrangement his majesty's ministers thought it their duty to advise, but the whole of the grounds on which it had been resolved to propose that arrangement.

In considering the question which would hereafter arise, their lordships would have to look at the nature of the case to be provided for. They all recollected the great and deep calamity which occurred in November last, in the death of her royal highness the princess Charlotte. After the first ebullition of feeling occasioned by that calamity—which never could be mentioned without sensations of pain and regret—had subsided, the great and general question which every one asked himself, and asked his neighbour, was, how will this event operate on the succession to the crown? This was a question which naturally arose from the state of the royal family. His majesty, they all knew, had been blessed with a numerous issue; but it was singular that, of the twelve living descendents of his majesty, seven princes and five princesses, the youngest prince was now 44 years of age, and that there was not one of the princesses under 40.—When he stated this circumstance, and that there was at present no descendant from any of the married branches of the family, he thought their lordships would not think it unadvisable to take measures to guard against any unfortunate contingency which might arise with regard to the succession. The situation in which the royal family stood with respect to issue, must surely be regarded as an object to which it was the duty of the executive government to pay attention. Their lordships might recollect that, in the speech from the throne, at the commencement of the session, a direct reference had been made to this subject. Parliament was then informed, that the subject was under the consideration of the executive government; and in the addresses of both Houses, thanks were given for the communication, and satisfaction expressed that attention was to be paid to so important an object. Under these circumstances the present measure must be considered as of no common stamp, but as one of great political expediency and urgency. Their lordships had heard from the message, the state in which the business now remained. It announced, that two marriages were in the course of negotiation: at the same time it was to be understood, that other cases might arise to which it would appear fair that the same principle which governed the arrangement for these two marriages ought to be applied. He thought it much better to look at the case in a general point of view, and to consider what ought to be done on the whole, than to discuss each separate case. He did not mean to say that parliament were not to consider the cases separately, as they arose; but, certainly, each separate case would come more conveniently under the view of the House, after some general principle applicable to the whole had been adopted. It was possible that, for the convenience of the executive government, another course might have been preferable; but this, to which he had recommended the laying down a general principle, was certainly the most candid both towards parliament and the country.

Having troubled their lordships with this general view of the subject, he should now state the particular measures which it had been thought right to advise. It had been proposed to grant to the first of the princes named in the message, his royal highness the duke of Clarence, the annual sum of 19,500*l.*, which would make his income 40,000*l.* a year. To the duke of Cambridge it was proposed to grant 12,000*l.*, which would raise his income to 30,000*l.* The grant proposed to be made to the duke of Kent, under the like contingency, was similar. In making this proposition, and in bringing the subject before their lordships, he felt it would be his duty to recommend, that a corresponding provision should be made for the duke of Cumberland. What he had said would put their lordships in possession of the whole of the measure which he had thought it his duty to recommend, and he

had now to state the grounds upon which it had been thought proper to propose a difference in the sums to be granted. It appeared to him, and he doubted not would so appear to their lordships, that the case of the duke of Clarence would come before them under circumstances which must materially distinguish it from the cases of his royal brothers. He did not indeed stand in the situation of heir-apparent to the throne; but he was the next heir after the Prince Regent and the duke of York; and looking at the contingencies which might arise, the executive government did not think that it could be regarded as unreasonable to follow the precedent of 1792, when the duke of York was married. At that period the duke of York was not nearer to the crown than the duke of Clarence is now. The proposition, however, which was then submitted to parliament by Mr. Pitt, was, that the income of the duke of York, including what he derived from his regiment of guards, should be raised to 40,000*l*. At the distance of twenty-five years, with the difference which had since arisen in the value of money, he never could think that a proposition to grant the same income, under similar circumstances, to the duke of Clarence, was unreasonable. It appeared to him, that ministers were fully justified in making that precedent the foundation of the measure they intended to propose to parliament. He was old enough to remember the proceeding which took place in parliament on the marriage of the duke of York. The proposition then made by government did not, it was true, pass altogether without objection, but it experienced no material opposition. It was supported not only by the great minister whose name he had mentioned, but by another great statesman, the individual who was then at the head of the opposition—he meant the late Mr. Fox. The only question that produced any discussion in the House of Commons was, how far it was proper that information should be given respecting the revenues which his royal highness derived from the bishoprick of Osnaburgh. The call for that information was most powerfully opposed by Mr. Pitt, and still more strongly combatted by Mr. Fox, who stated broadly, that the House had no right to inquire into what income the duke of York derived from foreign sources. All that they had to consider was, what was fit to be given by a British parliament to a British prince, under the circumstances of the case. The measure then passed with the general concurrence of all parties. On that occasion he recollected a remarkable proposition was stated by Mr. Fox relative to the outfit, and which had been acted upon in a measure adopted a few years ago. Mr. Fox urged the necessity of granting a sum by way of outfit; and observed, that if it was not given, it would be impossible for the illustrious prince, considering the extraordinary expenses he must incur, to avoid embarrassments. This proposition was approved five and twenty years ago; and if it was reasonable that the duke of York should be then allowed a sum for outfit, he could not think it unreasonable to apply the same principle to the case of the duke of Clarence. Their lordships recollected the joy which had been manifested on the marriage of the princess Charlotte. The sum then proposed was 60,000*l*., and no proposition ever experienced greater approbation. He did not mean to say that the circumstances were precisely the same. There certainly was a very evident distinction; but was not the difference sufficiently allowed for in the difference of the sum which had been proposed? There had been another case of royal marriage, which could not be cited as a precedent, as no application had been made to parliament in consequence of it; he meant the marriage of the duke of Gloucester and the princess Mary. No one could feel more respect than he did for the motives which induced those illustrious persons to abstain from making any application to parliament on their union. But in recollecting that no augmentation was proposed to be made to the income of the duke of Gloucester on that occasion, it was to be considered that the government, in acceding to the views of that illustrious individual, would naturally consider the state of the income which he would enjoy by a grant of parliament, though not made on the occasion of the marriage. Had it not been for that consideration, he should not have thought that he had performed his duty if he had failed to advise the illustrious duke to consent to an application to parliament for an increase of income. If personal feelings were to influence his conduct, there certainly was no member of the royal family whose interests he would have been more desirous of promoting; but it was his wish to do justice to all by acting on a general

principle, and that, he apprehended, was the course which their lordships would be inclined to approve. It was known to their lordships that 8,000*l.* a year was received by the illustrious persons out of the consolidated fund; so that, including the income of the princess and his own, the duke of Gloucester had 28,000*l.* a year. This certainly was not more than was requisite to support the rank and dignity of the illustrious duke and his royal consort. The income of the duke of Gloucester, with his emoluments, approximated to that which had been proposed for the junior dukes of the royal family; and he did not think that the proposition to give the duke of Clarence 40,000*l.*, and the others 30,000*l.*, could be regarded as an unreasonable proportion.

There was another case to which he had to call the attention of their lordships—he meant that of the duke of Cumberland. When that case was under consideration, some years ago, their lordships had agreed to an address, approving the measure recommended in the message. After the other House had concurred in voting a similar address, a bill was introduced, which was, however, lost in its progress, and had never come before their lordships. Since that period it had not been thought expedient or proper to bring this case again under the consideration of parliament. But when the cases of the other princes were brought under view, there could be no ground for withholding that of the duke of Cumberland. What reason could be assigned for casting so marked a stigma on that illustrious person? There had been nothing in his conduct which could justify such a neglect; and certainly nothing had appeared in the conduct of the illustrious princess his consort, since she had been in this country, which could influence such a proceeding, or account for the decision which had been come to by the other House of parliament, it was, therefore, considered, that a proposition for increasing the duke of Cumberland's income, in the same proportion as that of the other princes, should be submitted to parliament. But it was worthy of their lordships consideration, that the sum proposed to be voted would not long continue a burthen. Their lordships were aware that a sum had been voted for the payment of the debts of the Prince Regent, and which had been regularly applied to that purpose. The whole of these debts would be liquidated in the course of a year and a half, or two years at most. In consequence of that liquidation, 50,000*l.* a year would be saved, which, with the 10,000*l.* that had already fallen in by the lamented death of the princess Charlotte, would more than cover the whole of the additional allowances which it had been proposed to grant. This statement, he hoped, would prove satisfactory to those who had intimated an opinion, that the money required should be derived from funds now appropriated to the use of the royal family.

Various circumstances had induced him to explain thus far what had been the intention of his majesty's government; but he was aware that impressions and feelings had been entertained on the subject which he had not expected, and which he thought ought not to have been entertained. He did not mean, however, to shrink from the avowal of the part he had taken in the question. He had done what he considered his duty as a member of the Prince Regent's government. Whatever responsibility might be attached to the measure, he was ready to acknowledge that all the onus of that responsibility ought to fall upon him. He had, however, now stated what were the feelings of the illustrious persons who were the objects of the measure. It was not their wish, in the present situation of the country, that any proposition should be urged beyond what might be considered fair and just, both in and out of parliament. He knew not in what state the measure might come from the other House; but if the whole proposition should not be approved of—if any modifications did take place, he hoped the measure would not be reduced to such a state as to induce the illustrious personages to relinquish their intended union, or to encounter considerable difficulty or embarrassment, if they persisted in carrying it into effect. After having given the most anxious consideration to the subject, he was authorized to state, that the illustrious person first named in the message would be satisfied with about one half of the sum which had originally been proposed to be given him by the executive government. The sums proposed for the other princes would, in the case of an arrangement founded on this principle being adopted, be reduced in the same proportion. But the measure would come before their lordships in the shape of bills, when the details could be more conveniently discussed. The noble earl con-

cluded with moving an address in the terms stated in the commencement of his speech.

Lord *King* was persuaded that the whole nation would concur in that part of the address which expressed the good wishes of the House for the royal family; the unanimity with which the throne had been approached on the marriage of the princess Elizabeth was sufficient evidence of the satisfaction parliament felt at the establishment of any of the members of the illustrious House of Brunswick. His approbation extended to all parts of the address, but that in which reference was made to the sums to be supplied; and here, he thought, there was a material omission, which he should endeavour to supply. If there was one sentiment more general than another at the present moment, it was a reluctance to add to the already enormous burthens of the people; and on this account it had been regretted by the great majority of the community, that this proposition had ever been brought forward. Distressed as were now nearly all classes, he thought that the House would compromise its duty, if it consented to add any weight to the load already sustained. The noble earl had referred to the case of the marriage of the duke of York in 1792, and had cited it as a precedent in favour of what was now suggested; but surely he had forgotten what fell from Mr. Pitt upon that occasion, when he said that it was not intended that that proceeding should be considered a warrant for a similar step at any future time: he had distinctly guarded it from being drawn into a precedent; and he had added, that that union was attended with a peculiar circumstance not existing in other cases, namely, the importance of an alliance with Prussia which would thereby be effected, and he had actually moved that the treaty with that monarchy should be referred to the committee. The noble earl had also said, that the original intention was to have proposed to parliament a provision in amount double that which had been now suggested; but that, even reduced as it had been, the royal personages whose interests were especially concerned did not wish for more than parliament held it consistent with its duty to give. Surely this was not the rule by which the amount ought to be measured—the proper criterion was not the amount the royal dukes were willing to receive, but the sum the people could afford, or were willing to give. In a question of this kind it was the duty of ministers to consult the wishes of the people, and nothing should be done that did not meet with the general consent of the nation at large. If the object was to augment the love and respect with which these illustrious individuals should be regarded, would not that love and that respect be diminished by a disregard of the distresses of the people, while attention was paid to the demands of the princes? The delay which had taken place had certainly been productive of an advantageous alteration of the proposition. Still, however, it was open to objection, and the impression produced abroad by the inconsiderate statement in the first instance, would not be removed by the change that had been made. His lordship therefore proposed, that, at the end of the address as moved, the following sentence should be inserted: "But this House must at the same time express its confident hope, that such provisions as are necessary may be made without creating the necessity of laying any additional burthens upon the people."

The Marquis of *Buckingham* said, he could not come to the consideration of this question without considerable pain—not arising from the duty he had to perform, but from the manner in which the House had been called upon to take this subject under its view. The difficulty arose from the mode in which the matter had been brought forward. He should, perhaps, have felt no objection to the terms of the address, but for circumstances which had now become perfectly notorious: he might otherwise have felt that degree of confidence in ministers as to believe that they would not add, without imperious necessity, to the burthens of the people. The facts, however, to which he referred, and which had been referred to by the noble earl at the head of the Treasury, rendered it impossible that the House should shut its eyes to the real object of this proposition. It had now become matter of public notoriety and discussion what the original suggestion was intended to have been, and the noble earl had stated the reasons why the sum intended to have been required had been diminished. If no new burthens were to be laid upon the people under this reconsidered arrangement, those burthens would have been necessary had the proposal been made in its original form, and it was the duty of the House to take care

that even the more moderate demand was not enforced from those who were unable to comply. If, therefore, so large, so unreasonable a sum was to have been claimed in the first instance, until it was thought advisable, from the general repugnance to the proposition, to reduce it, it unavoidably induced some jealousy lest even the smaller amount should not really be necessary for the purposes for which it was required. He was as ready as any man to allow that the splendor of the Crown ought to be maintained: it ought to be supported by every means compatible with the resources of the country; and all he hoped was (expressing that hope by his vote in favour of the amendment) that that splendor would not require that any new weight should be added to that which the nation already endured. The splendor of the Crown was intimately connected with the welfare of the subject; and for this very reason, if for no other, the feelings of the Crown ought to be in unison with the feelings of those over whom it presided; the moment they ceased to be so, nothing could remain to the people but submission to power, and despair of redress. At the present moment, when the load of taxes was so onerous, it surely was not too much for parliament to express its hope, that the splendor of the Crown would be maintained without a further diminution of the few remaining comforts of the people. In voting for the amendment, therefore, he felt that he was acting in a manner consonant with the duty he owed to the Crown, and the duty he owed to the subject. The most glorious splendor of the Crown was derived from the love and approbation of the people. Regretting, therefore, that ministers had not been more advised in their original and extravagant suggestion, and convinced that it was unnecessary to resort to the nation at large for any new supplies to make good these demands for the younger branches of the royal family, he should vote for the amendment.

The Marquis of *Lansdowne* could not allow the question to go to a vote without offering a few remarks upon the address itself, and upon the particular moment at which parliament was called upon to vote in its favour. To the address, in its present amended shape—amended, as the noble earl confessed, in consequence of the imperious call of public opinion that the demand should at least be reduced—he did not feel prepared to object. He admitted that the alliances of the various branches of the royal family were essentially connected with the prosperity of the country; and he was willing, therefore, to acquiesce in a provision to a reasonable extent; for it was the duty of parliament to provide the means for carrying those alliances into effect. In doing so, however, it was idle to say that reference should only be had to the splendor of the Crown, without regard to the feelings or to the opinions of the people, because, upon those feelings and opinions, the royal family were more dependent than upon any revenues it might at present enjoy: a disregard of those feelings and opinions had, in former times, put to hazard the stability of the throne itself, and an attention to them had hitherto cemented the union between the House of Brunswick and those over whom it was appointed to govern. The attachment of the people was at once the highest splendor and the greatest security of the Crown, and there was no man who would not devoutly join in the prayer that that attachment might long continue by being long deserved. He did not now wish to trouble the House at any length after what he had said upon a former night; but he could not help lamenting the hasty and unadvised course ministers had pursued upon a question of such importance. Many objections that might have been urged had been obviated by the mode of statement adopted by the noble earl; but it was still remarkable, that now, for the first time in our history, two royal marriages were announced in the same message: it would certainly have been more regular and more convenient if they had been separately communicated to parliament, that the advantages or disadvantages of each might be distinctly weighed, before the House arrived at any conclusion. The noble earl had however intimated, that each case would stand on its own merits, and that they could be separately discussed in separate bills, and it was therefore not necessary now to enter into minute particulars.—He was prepared however to say, that provision to the extent now required, ought to be made; but at the time he made this declaration, it was fit that the people, who had cheerfully endured so many distresses, should be assured that it would not be necessary for them to sustain any new privations, and that means existed of supplying the needful sums without resorting to new

and oppressive taxes. When noble lords recollected the enormous amount of the civil-list, and the number of existing offices; above all, when they recollected the unfortunate calamity which some years ago had led to the establishment of the regency, with all its expenses (to which he had at that time offered no opposition), they would be extremely unwilling to grant more than was necessary, or to create new funds out of the pockets of the people. When the prince of Wales was appointed Regent, two courts were necessarily established; and what passed upon that event was now matter of historical record. The distinguished individual at that time at the head of the government, Mr. Perceval, in proposing a committee to inquire into the charges to be incurred, had stated the necessity of maintaining a court not only in London, but at Windsor—the latter in the hope which all indulged, and which at that period it would have been unnatural and unfeeling to have abandoned, that the king's recovery might be speedy and complete—that when his majesty returned to the enjoyment of his faculties, he should be surrounded with those comforts, and a considerable portion of that state and splendor, to which he had been so long accustomed. This event the prime minister of that day stated as probable; or, supposing the health of his majesty not to be so completely restored as to enable him to return to the functions of his high office, still it was fit that he should not be stripped of all the consolations and all the comforts of which he was susceptible. All men concurred in this proposition in the expectation of a speedy recovery; and if any such hope could now be indulged, he would be the last to suggest a diminution of the vain splendor (for it was now vain) by which the exalted personage to whom he referred was environed: all expectation of the re-establishment of the king's health must, however, now be at an end, and there was, consequently, nothing to justify the continuance of an expense which added greatly to the burthens of the people. With perfect respect, therefore, to the occupant of the throne, and with every regard to its dignity and splendor in this monarchical government, he hoped and believed that at least something might be obtained from this source to meet the new charges of which the House had recently obtained intelligence. If adequate provision could not thence be procured, some useful retrenchments might, no doubt, be made in other departments; and if at the present moment, in consideration of the privations of the nation at large, a bill was in progress (as he understood the fact to be) to deprive the widows of officers even of their pensions, if elsewhere they could obtain a pittance for their support, it was not too much to expect that every means would be resorted to, to raise the money now required, before any resort were had to new and oppressive taxation. He did not refer to this measure for the purpose of invidious distinction or comparison, but merely to show the measures of extreme severity to which ministers, in this instance, had had recourse. He was persuaded that such an arrangement could be made as, while it gave satisfaction to the illustrious persons to be benefitted, would rejoice the people, who would not be injured by it. The marriage of any member of the royal family ought always to be a subject of joy and congratulation with the whole nation; but it would cease to be so, if upon all occasions such an event was to be attended with new and grievous impositions. On these grounds he should vote for the amendment, though generally concurring in the terms of the address, and more especially in those parts which expressed the satisfaction of the House at these alliances, and the attachment it should ever maintain towards the royal family.

Lord *Erskine* said, that though he concurred in much that had fallen from the noble marquis who had just taken his seat, he did not think that the present, if at all, was the proper time for making the proposed amendment. The noble marquis had admitted the fitness of supporting the dignity and splendor of the throne, and yet, with some degree of inconsistency, he had recommended that its illustrious and venerable occupant should be stripped of the last relics of royalty, and of the last comforts of age and infirmity. While the House was employed in voting sums for the support of the younger branches of the family, the noble marquis proposed that the aged stock, the reverend parent, and the illustrious head of a royal house, should be abandoned under his numerous afflictions, and deprived of the few attendants which his calamity rendered even more necessary. He regretted that he was under the necessity of differing from the friends with whom he usually acted;

but his own sense of duty was too strong to allow him to vote in favour of the amendment. No man could lament more deeply than he did, the unfortunate situation of the country; no man could be more conscious of its distress, or more deeply impressed with those feelings which the contemplation of that distress was calculated to inspire, nor could any one be more alive to the impolicy and injustice of adding to the burthens of the people. But this was not the time to take any measure, or express any opinion on the subject; it was not at the very moment when they were providing for the branches of the royal family, that they should pledge themselves by a resolution to prosecute economy. If the words of the address bound him to any thing beyond an expression of respect, and a pledge to concur in granting a suitable provision for those members of the royal family, he should have felt it his duty to resist it; but the address contained nothing more than an assurance of their invariable attachment to the illustrious house of Brunswick, and a promise to agree in such arrangements as were consistent with the dignity and honour of the country. It was the duty of the other House of parliament to make those provisions, without adding to the burthens of the people, if it was possible. If the noble lord should hereafter move an address to the Crown upon the subject now under consideration, and should embody in that address a proposition, which tended to increase the burthens of the people, then would be the time for his noble friend to move an amendment such as the present, but this was not the occasion on which it would be proper to agree to it.

The Duke of *Athol* agreed, that the necessary provision should be made without any addition to the burthens of the people, but he thought the amendment introduced a subject which was premature. With regard to the allusion made by the noble marquis to the court at Windsor, he believed that if the whole island was polled over, from Plymouth to John O'Groat's house, they would say, to a man, that they did not desire to see their revered monarch deprived of the comforts and splendor to which he was accustomed. He should vote against the amendment, because he thought it unnecessary.

Lord *Rolle* hoped that the provisions for the royal dukes could be made without any addition to the taxes, and he saw every prospect of doing so, recollecting that a considerable sum had become disposable by the lamented death of the Princess Charlotte. The noble marquis had recommended the reduction of the establishment of the king at Windsor: to this he could not assent; for as his majesty had been gracious to him in prosperity, he would never desert him in adversity.

Lord *De Dunstanville* spoke in favour of the amendment, and charged ministers with seeming to assume it as a principle, that when money was once granted by parliament for a specific purpose, it was to remain as a perpetual burthen on the public. He should vote for the amendment, as he wished to be distinctly understood adverse to the addition of any material burthen.

Lord *Holland*, after observing that his noble friend (lord Erskine) objected only to the time at which the amendment was introduced, contended that his objection to it was the same as that of the noble lord at the head of the treasury. They said there was nothing in the address that any reasonable man could object to: the noble lords, on the opposite side, contended, that there was nothing in the amendment that could be objected to, or which was in any way inconsistent with the address proposed. The noble earl who spoke at the beginning of the debate had taunted him, that he would have had no objection to the address if the intention with which it was brought forward had not been expressed. It was true he should not have objected to the address if no intentions had been stated; but after those intentions had been expressed, he thought they ought to be coupled with an exposition of the principles on which the House meant to act. To such an address as that proposed no one could agree, unless it had been accompanied by the statement of the noble earl; but even when accompanied with that statement, no person could properly assent to it without explaining at the same time the principle on which he modified his assent. It was not to the address that he objected, or the principle on which it was proposed, but he thought it necessary to state in what manner that assent was to be taken; and he put it to their lordships whether it would not be a more fair and candid mode of proceeding, at once to define and limit the mode in which they granted their assent, than to agree generally to

the address when it was first proposed, and then, when any specific plan was brought forward, to say that they could not accede to it, as they never intended, by giving their assent, to add to the burthens of the country. The noble lord who commenced the debate had divided the subject brought forward into three heads:—In the first he stated the usual course of proceeding on those occasions; in the second, he told their lordships what his own intentions had originally been; and in the third, what he now meant to propose to their lordships, without any alteration of opinion as to the propriety of his first intention. The second of these statements ought to weigh much with their lordships, because it appeared that the ghost of the noble lord's original intention was still hovering over the whole of this transaction, and that his whole speech was nothing more than a defence of that intention. If, then, any noble lord should yet induce their lordships to recur to the original intention of ministers, which, for aught that appeared, was not yet totally abandoned, would it not be much more open and manly to express the ground on which that address was voted, namely, that if even the sum of 40,000*l.* per annum was to be voted, it could only be in some mode that would not add to the burthens of the people? When, therefore, he concurred with the address that had been proposed, it was not on the ground relied on by the noble earl. He concurred with the address only as it was limited and explained by the amendment: he concurred in all the sentiments expressed in the original address: but he wished to show at the same time on what reasons his concurrence was grounded. It was unnecessary to say, that in attachment to the throne, in attachment to the house of Brunswick, which was endeared to the country by public and private virtues—endeared, above all, by the title it had to the affections of the people, the title of their own choice, and not by any exploded notions that seemed to be again springing up in neighbouring countries, under the name of legitimate right, it was unnecessary for him to state that he most fully concurred in every attachment that could be felt for that illustrious house. To the people of this country, who had so long enjoyed prosperity under that family, any alliances that it thought proper to make ought to afford matter of congratulation. But were those alliances to be made, not with foreign princesses, but with honourable ladies, natives of this land, he should consider the alliance equally a subject of congratulation: and he spoke this with reference to an act of parliament, commonly called the royal marriage act; an act which he considered an extraordinary and unwarrantable innovation on the constitution of the country, and which he heartily wished to see repealed. The noble earl himself, in speaking of the late lamented Princess Charlotte, had pointed out one of the evil effects of that act.—To return, however, to the question before the House. He acknowledged that the marriages of any branch of the royal family afforded a proper ground of congratulation both to the throne and the people, and it was undoubtedly proper that an adequate provision should be made for the royal progeny that might arise. He was, therefore, happy to hear, that the noble earl was guided by general principles on this subject, and not by applications made to any particular instance; that upon such an occasion he was actuated by no party feeling whatever; and he hoped that the noble earl thought that that side of the House would be guided by the same general principle, and would equally abstain from the indulgence of any party-feeling. He was satisfied that the subject ought to be considered only with a view to general principles, and with no distinction of any particular individual. No branch of the royal family had ever been disaffected towards the country; and all were in their respective degrees equally entitled to the regard of the people. It was on that ground, he thought, that, if any of the burthens of the people were extended for the marriage of any of the royal family, the provision made should include all the branches, and each to the same amount. As to the allusion that had been made by the noble earl to the marriage provision made for the duke of York, independently of any income he derived from a bishopric in Germany, on that head he entirely agreed with the noble earl, and thought that any income or advantage which the royal family possessed from sources not in Great Britain, ought not to be considered in grants or settlements which this country thought proper to make upon any foreign alliance. It was not for Great Britain to portion its princes according to any scale of advantage they might derive from a petty

principality in Germany. But here he had done with his admissions, and could concede no farther to the noble earl. Indeed, he had afterwards considered, that through the whole of the noble earl's speech, it appeared, that when the question was not concerning debts to be paid, but allowances to be granted, two things were always to be looked at—what it was fit the party accepting should take, and what the party offering was able to give. In the allowance made on the marriage of the duke of York, the nation was guided both by the comparative prosperity of the country at that time, and the importance of the alliance that was about to be entered into. The alliance was great, and the country was flourishing, with all the blessings of peace. Let us look at the present alliance contemplated, and we should find them of much less importance than that of 1792. Let us look also at the situation of the country, and see what that situation was after all our glorious wars. The people were tied up in their means by exorbitant taxation, and trampled on by arbitrary and oppressive statutes, suspending their rights and silencing their complaints. Even in the third year of the peace, see the checks on industry and prosperity, and the distress occasioned by an extravagant system of government; and then grant on the same principle and to the same amount as in 1792, if you can. A noble lord near him had said, that it was useless to argue on the principle of the amendment: for whether it were adopted or not, the effect of the address would be the same; but the general objection to the address without the amendment was, that it did not express that their lordships all concurred in wishing to add nothing to the burthens of the country. His noble friend would therefore observe, that the amendment did not necessarily pledge the House to take any thing from the Windsor establishment, but to prevent the additional burthen in any manner they could. Now though he was as inclined to be liberal to the royal family as any noble lord on the opposite side could be, yet when reference was had, not only to the general situation of the country, but to the general sacrifices made by the people to their government, it would be found that, after dismissing from our consideration all that was paid on account of the public debt, all the expences of our naval and military establishments, all the expenses of embassies, and matters connected with them, there remained for the support of the splendor of the Crown, the enormous sum of one million of money. Their lordships would recollect, that when the French assembly voted a sum of one million for the expenses of the sovereign, that they had done it under a mistaken idea of our civil list, which at that time did not amount to such a sum. Various items were then liable to be deducted from it, but it did now amount to the enormous sum of one million. As to the expenses of the Windsor establishment, a noble lord on the cross-bench had said, that he should be shocked to assent to any thing that would in the slightest degree take away from the comforts of our afflicted monarch; that he had participated in his prosperity, and would not desert him in his adversity. Let it not be thought that noble lords on his side of the House had any wish to diminish his comforts in the slightest particular, or that they felt any hesitation to accede to any thing which could in reality contribute to those comforts. But his comforts could not consist in expense, or be added to by extravagance. Indeed, such a course was, in their opinion, an addition of mockery to affliction. They might be wrong, but let it not be imputed to them that they recommended any measure that had a tendency to diminish the comforts of the royal sufferer. But it might be said, that the fund he alluded to would not suffice for the purposes in view. But it should be recollected, that at the time of the regency, 60,000*l.* a year constituted the privy purse. It was thought by some that it would be proper to transfer it from the illustrious person whose affliction they all deplored, to him who was invested with the functions of government. The objection made against it was, that there were many annuities and expenses chargeable on the fund, which could not be explained, but ought to be provided for. The liberality of parliament induced them to leave the whole untouched, and to vote an additional 60,000*l.* to the Prince Regent. As there was no demand on the original 60,000*l.* for the last five years, with the exception of the charges of physicians, the sums so due must have been, in all probability, since discharged. With respect to the saving that the country would soon have in the cessation of the 50,000*l.* a-year that was now allowed for the payment of the Prince Regent's debts, of all the argu-

ments that had been advanced, none was more extraordinary or untenable than that because such an expenditure had been so long borne, it would be no additional burthen to support it for a perpetuity, when it was originally granted to serve a purpose that would be accomplished in a limited number of years. If 200,000*l.* a year, were granted for the building of churches during a limited period, it would, on this principle, be no burthen or hardship on the people to continue the grant for ever, though the churches were all finished within the specified time. He was persuaded that the royal family itself would never have proposed that such request should be made on the liquidation of the debts in question. It was somewhat surprising, that the noble earl had spent so little time in detailing or explaining the motives of his newly-adopted measure. Their lordships had, no doubt, heard that it had formerly been said, that there was something behind the throne greater than the throne itself. So it had been said there was something behind the Speaker's chair greater than the Speaker himself; and thus it appeared that there was some authority on which the noble earl acted, that weighed with him more than the authority of parliament; for the noble earl maintained, that his original opinion was proper, and yet he abandoned it on some authority that he did not think proper to name. If the House meant to act with any sincerity, it was necessary for them to adopt the amendment that had been proposed, and the noble earl at the head of the Treasury must himself agree to it. But the noble earl, it seemed, had not played his part on this occasion with his usual ability: he had once already been taken by surprise, and was now risking another surprise in another quarter; for surprise there must be, if after an address containing general and unqualified assurances, objections should hereafter be taken, as it seemed they would be, to proposals that fell within the general language of the address. With regard, indeed, to the propriety of making some provision, in the event of a royal marriage, he entirely concurred; but as to the amount of that provision, he was not disposed to come to any hasty decision. If their lordships took into consideration the state of the country, after a long and expensive war, the exhausted state of our finances, the sacrifices of the people, and the difficulty of making up the yearly supplies, they would see that the ministers of the Crown, while advising the House to add to the comforts of the royal family, were bound to accompany that advice with the expression of their desire and intention, that those comforts should be provided for without adding to the burthens of the people. When they talked of the splendor of the Crown, there was no doubt that it would be an addition to that splendor to see the various branches of the family happily settled and advantageously married.—But he had notions concerning the splendor of the Crown which he feared were a little uncommon in that House. He conceived that that splendor was not increased by pageantry and expense, and that it would appear to much greater advantage, if many of its showy appendages were entirely struck off. The lord chamberlain's office, and all the expense arising from it he thought highly unsuitable to the times, and that it might be in great part done away, without any diminution of the real dignity or honour of the reigning family. But those who thought in that manner, who thought that if the House ought to add to the splendor of the Crown in one way, they might do so without taking from it in any other; such persons could not vote for the address, unexplained by any qualifying proposition. On this ground he voted for the amendment proposed by his noble friend. Their lordships well knew, that if any bill came from the Commons on this subject, the slightest alteration in that House would be fatal to it. In fairness, then, to the House, in fairness to the country, in fairness to themselves, they were bound to lay down the principles on which they intended to act. Those principles were partly contained in the amendment that had now been proposed, and it only remained for their lordships to say whether or no they would express the principles on which they intended to act. This was the question before the House: it was a question of high importance, and he thought it not possible for any reasonable man to doubt as to the course it was proper to pursue.

The Earl of *Lauderdale* was sorry he could not support the amendment, and wished to state the reasons why he found it his duty not to vote in its favour. It had been given as a ground for supporting it, that the House could not answer

that the noble earl opposite would not revert to those propositions, the intention of laying which before parliament he had at present abandoned. If there was any man who fancied that the noble lord would revert to those propositions, he would say that he did perfectly right in voting for the amendment; but, for his part, he could not understand how a revenue was to be voted without adding to the burthens of the people. The noble lord near him stated, that the sum of money at present voted for the sovereign might be applied to the purposes for which money was required; but it was true, that if that sum was applied to such a service after that application, it would surely be added to the burthens of the people. If there was any expense laid on the country, it was certainly the duty of his noble friends so to exert themselves, that the country might be lightened of their burthens; but why was that so urged at this precise period? Why had he not heard of motions for the discontinuance of such expenses? If it was necessary that they should be discontinued, they should have heard of some proposition to that effect before that time. There would of necessity be burthens upon the people. It was impossible that parliament could vote a revenue without additional burthens on the country. It was the wish of some noble lords that part of the money that was voted for the sovereign should be applied to the purposes of the grant to the princes; but he desired his noble friend, who had particularly mentioned that, to answer him one question—would that appropriation be preserving the people from burthens? If the plan of those noble lords were to be pursued, the people would be as much taxed to pay allowances to the princes, as they would if taxes were laid on. Till he could understand that that was not the case, he could not vote for the amendment. Without that were so, it would be impossible for the amendment to meet his concurrence. It was not possible to vote a sum of money, without laying a burthen on the people to that extent. It was the duty of every member of parliament to do every thing in his power to save the people unnecessary expense. In laying on further charges, it might be said, that it was necessary to rouse parliament to peculiar attention on the subject that had been introduced. He did not think there was any need at all for their being so roused. If a new charge was submitted, they would be equally raising money from the people to bear that charge. For the reasons he had stated he could not vote with the amendment.

Earl *Grosvenor* was rather surprised at the manner in which the noble earl had stated his reasons for not voting with the amendment. He had heard it remarked, that there were persons who found a difficulty in perceiving that two and two made four. He could not help supposing that the noble earl had been labouring under some such difficulty, in stating that, when it was proposed to add a considerable sum to the burthens of the country, that would not be an additional burthen. The noble earl might see, that in the reduction of the civil list by 50,000*l.* or 60,000*l.*, the country would be relieved to the amount of that sum. He was of opinion that the rejection of that amendment would produce a bad impression on the minds of the people. While it was their duty to maintain the proper splendor of the Crown, they ought to be anxious to relieve the distresses of the country. Under all circumstances he should give his hearty assent to the amendment.

The amendment was then negatived without a division, and the original motion for the Address agreed to.

HOUSE OF COMMONS.

Wednesday, April 15.

St. Pancras' Poor Bill.] Mr. *Mellish* moved the second reading of the St. Pancras poor bill; but in doing so, he could not but observe, that the principle of the bill by no means met his approbation; still, circumstanced as he was, he felt it his duty to make the motion.

The *Solicitor General* said, the present bill was quite uncalled for and unnecessary. The conduct of the gentlemen who were vested by an act passed in 1805, with the management of the poor in the parish of St. Pancras, so far from being improper was most exemplary. These persons were from their property and their rank in life, the most interested in the proper management and application of the poor-rates. If the plan proposed by the present bill were to be carried into effect, they would have every year a repetition of the most disgraceful scenes which had lately occurred in the election of a church-warden, which lasted two days, to the great annoyance of the parish; and when

a scrutiny was demanded, it was found that persons of all descriptions had been allowed to vote, numbers of whom had not a shadow of right, and some not even resident in the parish. Feeling a strong conviction that the greatest benefits had been derived to the parish by the measure which this bill was intended to subvert, he should move as an amendment, that the bill be read a second time this day six months.

Sir *Egerton Brydges* contended, that the objections which had been made to the present bill were altogether groundless. It was not the wish of those who advocated the bill, to give any thing like a universality of suffrage; on the contrary, they proposed a high assessment to the poor-rates as a qualification to vote. Was it to be endured that those who had the raising and disposing of such immense sums as the poor-rates of the parish of St. Pancras amounted to, should have the passing of their own accounts, and be subject to no control whatever from the parish? The provisions of the bill of 1805, gave a certain number of individuals, who had the power of filling up vacancies in their number, the complete disposal of the funds of the parish, without being subject to any control whatever. Such was the distressed state of the parish at present, that it was absolutely necessary some alteration should take place in the system of management, there having been taken out no less than 900 summonses in the course of last year. The principle of the bill had been already acted upon: for an act exactly similar had been passed for regulating the parish of St. Andrew's, Holborn. It was improper to throw upon the bill the odium that it was democratical, and tended to universal suffrage. He hoped, therefore, that the House would suffer it to go into a committee, in order that both parties might have the opportunity of telling their story when the truth would unquestionably come out.

Mr. *Peter Moore* most heartily concurred in the amendment which had been moved by the hon. and learned solicitor general. He was upon the committee on the last bill, and was well acquainted with most of the leading gentlemen in the parish. The result of that act had plainly proved that the parochial concerns could not be in better hands, for a more honourable set of men than the board of directors did not any where exist.

Mr. *Byng* opposed the bill, as tending to revive the disorders which were constantly taking place before the passing of the act which at present regulated the parish.

Sir *James Graham* said, he would also vote for the amendment. The provisions of the present St. Pancras poor act were the same as those by which the parish of Mary-le-Bone had been governed for a great number of years, and it was impossible for any parish to be managed in a better manner than the latter. If the present bill was suffered to pass, the parish would be in as bad a state as it was before the act of 1805, when, during the annual and other elections for parish officers, no respectable person could venture to pass along the road. He hoped the gentlemen of the parish so far from lessening the powers of the present directors, would put all the parochial concerns in the same hands that had already saved them several thousand pounds.

The amendment was carried, and the bill was ordered to be read a second time on this day six months.

PRINCE REGENT'S MESSAGE RESPECTING THE MARRIAGES OF THE ROYAL DUKES.] Lord Castlereagh moved the Order of the day for the House going into a Committee of the whole House on the Prince Regent's Message. The Speaker having left the chair, the House formed itself into a Committee, and the Message was read.

Lord *Castlereagh* said, in rising to call the attention of the House to the Prince Regent's Message, informing the House of the intended marriages of their Royal Highnesses the dukes of Clarence and Cambridge, and recommending to them the adoption of such measures as would enable his Royal Highness to make a suitable provision to his royal brothers: he was sure the House would feel that it was impossible for him to be insensible to the peculiar difficulty of the situation in which he was placed. But, if at any time the duty which he had to discharge was one of difficulty, certainly the House must feel, that after the temper which was disclosed by them in the course of the former evening, the task imposed on him of calling the attention of the House to the message, with a view of submitting to them what, under all the circumstances of the case, his majesty's ministers considered a suitable allowance to their Royal Highnesses, was, in point of difficulty,

greatly increased. The House must be aware, that among the difficult and painful duties which the servants of the Crown were occasionally called on to discharge, there were none of their public functions more eminently difficult than when they had to call on the House to make arrangements for a special provision for the different branches of the royal family; because, whatever might be the attachment of the House to the family on the throne, and however much they might feel their own honour and security connected with the honour and security of that family, yet there was no principle more interwoven in the natural working of a free constitution, like that under which we had the happiness to live, than for the House always to look to the power and influence of the Crown with that sort of jealousy which was almost inseparable from their character of guardians of the interests of the public. To propose to the House an additional provision to any of the members of the royal family, and augmenting the public burthens by the amount of such provision, was one of the most arduous duties which could devolve on ministers; and the House would feel, that the difficulty of this duty was greatly enhanced by the change in the administration of public affairs, which had taken place at the general desire and solicitation, as being calculated to promote the public benefit, and which had been met by a correspondent feeling on the part of the Crown,—namely, that great change that had been in the former part of the present reign effected in the constitution of the country, by which it had been thought necessary for the public advantage, that all those branches of revenue which were formerly at the uncontrolled disposal of the Crown, should be surrendered into the hands of that House, to be administered for the public benefit,—a change which rendered it necessary for the royal family to come to parliament in all the exigencies which might arise, and demand a specific grant from the public to meet those exigencies. The House must feel, that in former times this question could not have arisen—the Crown would have made a suitable provision for the different branches of the royal family, either out of the hereditary revenue, or out of the other branches of revenue at the disposal of the Crown, according to what was considered the exigencies of the case, without coming to parliament for assistance.

He was not stating this to parliament with the view of disposing them to any unfair purpose, or of attempting to turn aside the House from what they considered the path of their duty (nor would he do so, even if he could think that such an attempt would succeed); but his only object was to show that if the applications of the reigning family to parliament had been more frequent than from those who had gone before them, it was not because they were more improvident than their predecessors, but because the revenues which formerly belonged to the Crown had been surrendered to that House on its binding itself to provide for the wants of the royal family from time to time, as circumstances might require. By consenting, therefore, to such allowances as the situation of the different branches of the royal family might require, they were only discharging that duty to the Crown which a just view of the interests of the country prescribed to them. In the discharge of this duty, they ought not to allow themselves to be misled by any suggestion that it was intended to do more than was necessary, nor to be deterred by any public clamour from doing that to the Crown which, in the discharge of their duty to the Crown and the country, they might consider to be just and necessary. He hoped the members who had formerly expressed their disinclination to the measure of allowances which had been proposed, would not consider themselves pledged to oppose any measure, when adequate reasons were adduced for its adoption. He was not surprised, in the present posture of the country, by the indisposition which had been shown to the grant of money, at a time when the practice of economy was indispensably necessary to be resorted to for the ultimate security of the country.

After what had passed on the preliminary discussion, he should be permitted to point out with more minuteness the reasons which induced him to make the proposition than he should have done, but for those preceding discussions. He assured the gentlemen opposite, that though he differed from them in their application of the principle of economy, he was equally sensible of the sacredness of the principle itself. He was willing to take into account, as well as they, not only the exigencies of the illustrious individuals, but the burthened state of the people, after an expensive war. But while he fully

admitted this principle, he was confident the committee would concur with him in thinking, that some further provision ought to be made for those illustrious princes who had been bred in the country, in the event of their marrying, as it would be felt how desirable it was that the succession should be continued by a line of British princes, and that no necessity should arise for placing any foreign family on the throne. No principle was more clearly acknowledged in the House than this; and no feeling was more mixed up with the late calamitous death of the princess Charlotte, than the consideration how the succession to the throne could be most prudently provided for. This had been the most anxious wish of every good subject. If the House had not been pledged by a paragraph in the Address to the throne, at the commencement of the session, still their loyalty to the family on the throne would lead them to hope to see the succession secured in a line of British princes, and he could not conceive a crime of a more deep and responsible die, than ministers would be guilty of, if they suffered parliament to separate without having done their best to attain this object. With respect to the nature of the measures which occurred to their contemplation, the House would look to the state in which the succession was placed. They had the satisfaction of seeing many illustrious individuals within this country in the nearest degree of relationship to his majetsy, who, born and bred in this country, were well acquainted with its constitution, its customs, and its laws. But here their satisfaction ceased. Of the twelve children of his majesty, seven were sons, and five daughters. But not one of them had a child to present a hope of direct inheritance of the throne. Though the hopes of securing a regular succession were not closed, all the members of the royal family were so far advanced in life, that he was sure neither the legislature nor the country would wish any unnecessary delay to take place in the adoption of measures calculated to secure so desirable an object. The duke of Cambridge, the youngest son, was now forty-five years of age, and none of the princesses were under forty. To excite some of the members of the royal family to marriage, was now an object of much importance to the country; and those illustrious personages owed it to themselves, to the Crown, and to the country, if they did not feel that from some circumstances marriage would be perfectly incompatible with their own comfort, to look forward to a suitable union, that the succession might not be endangered. On public grounds, he repeated, it was the duty of his majesty's ministers to look to alliances of the royal family. A single marriage would not satisfy the anxiety of the people on the subject of the succession,--though, if those illustrious individuals were less advanced in life, the case would be different. The Prince Regent, sensible of this, had made offers to such of his royal brothers as could reconcile marriage to their feelings. He had done this in the greatest spirit of affection; he had shown no preference to any one of those illustrious individuals beyond the other. He had considered that the people and the Crown had a common interest in the succession, and he had offered for such as should enter upon marriages, with the consent of the Crown, to propose to parliament to make such a provision for them as would be consistent with public economy.

He should feel it his duty to himself, to his colleagues, and to the House, to state without the slightest disguise what they had originally in contemplation, and he should follow it up by showing what, in deference to the opinion of the House, they now thought themselves justified in proposing. In looking to the provision to be made for the branches of the royal family, who were now about to enter into alliances, the ministers felt difficulty from the want of certain data to proceed on. The first propositions had been modified as far as was thought practicable, consistently with the plan which had been formed for carrying the marriages into effect, without degrading the individuals or involving them in embarrassments at the outset. That which they had first suggested, could not be established on precedent; but the precedents which had received the sanction of the House had had much influence on ministers, while considering this matter. They had looked back to what had been done on the occasion of royal marriages for a number of years. But that which might have been a suitable provision twenty years ago, would be found so inadequate to the expenses of a royal establishment now, that such a comparison was likely rather to mislead than properly to guide the judgment of the House. The only case, in

later times, was that of the princess Charlotte, who had 60,000*l.* a year, and 60,000*l.* outfit. But that did not form any standard; because, though her royal highness was not necessarily the direct successor, yet she had been so long in the view and hopes of the nation in that character, that the people were led to regard and treat her as such. The provision which was made was therefore liberal, and calculated to lead her royal highness to confidence and attachment towards the nation which had bestowed it. When the duke of York married the princess of Prussia in 1792, the circumstances under which that provision was made for him, which then received the sanction of parliament, were certainly materially different from those under which it was now proposed that a provision for a royal establishment should be made. The illustrious individual in whose favour that provision was made, was then distinguished by the situation in which he stood with respect to the throne. Yet, on no principle of reasoning could it be maintained, that he was then as near the Crown as the duke of Clarence must be considered to be at present. At that period his majesty was between fifty and sixty, the prince of Wales was under thirty, and not married. Yet for the duke of York it had been thought right to grant a provision which, including 3,000*l.* arising from military emoluments, amounted to 40,000*l.* per annum. He was thus recognized by parliament as standing very near to the throne. Now, the duke of York having no descendants, and the Prince Regent having lost the only child with which Providence had blessed him, the duke of Clarence, according to all the calculations of probabilities, was at present nearer to the succession to the throne, than the duke of York was in 1792.

He trusted that the House, taking this into consideration, would see that ministers, in proposing that the duke of Clarence under such circumstances should receive what parliament had given to the duke of York twenty-six years ago, when the value of money was much greater than at present, had treated the question as one purely British, and had been actuated by no motive that they need hesitate to avow. With respect to the junior branches of the royal family, a greater difficulty existed, for ministers had no precise guide to go by, as they had in the case of the duke of Clarence. They, however, wished to keep the expense within the narrowest limits. He had been unable to give the House the particulars of what was intended to be proposed, till an opportunity arrived for explaining the considerations which had regulated the conduct of ministers in deciding on the amount of the provisions which they had taken upon themselves to recommend. They had thought it would be right to add 12,000*l.* to the existing income of such of their royal highnesses as should marry with the royal consent, by which their income would be raised from 18,000*l.* to 30,000*l.* per annum. The House, in looking at the position in which these illustrious personages stood, would see that there was a marked distinction between their situation, living unmarried, and the situation in which they would be placed after marriage, exposed as they would be to all the contingent expenses of a family. Out of the 12,000*l.* proposed to be granted, it was intended that, as in the case of the duchess of York, 4,000*l.* should be deducted and settled as pin money on the royal brides. He would then appeal to the House, if an addition of 8,000*l.* or 9,000*l.* to the incomes of the royal dukes were not necessary, on their marriage, to enable them to live in a manner corresponding with that exalted rank to which it had been the will of Providence that they should be born. Such an augmentation appeared to him to be indispensable, unless the allowances of the illustrious persons were placed on too high a scale before their marriage, it could not be thought that the addition which had been contemplated was too great, if they wished to preserve them from the greatest calamity to themselves and to parliament—the contracting of debts. He would put this question to the House and to the country, notwithstanding the irritation which had been excited, and which it was attempted to instil into the public mind, and he felt confident the reasonableness of the proposition could not be denied—it could not but be known that there was a disposition to inflame the public mind on this subject;—but he would ask if ministers were guilty of an improvident act in proposing an addition of 8,000*l.* to the incomes of the royal dukes on their marriage, and if, without such an augmentation, though wholly exempted from taxation, their means would be sufficient to carry them and their families on, without incurring the reproach of being in debt?

The 12,000*l.* proposed was not a larger sum than appeared to be necessary, when it was remembered that 4,000*l.* was to be deducted as an allowance for their illustrious consorts. The case of the duke and duchess of Gloucester every one seemed disposed to look to as furnishing a certain criterion, by which the judgment of the House might be guided; but no question had been decided in the abstract by that House, which came exactly home to the case of these illustrious individuals. The duke of Gloucester marrying a princess already endowed by parliament, it was not thought necessary to come to parliament for any further provision, as altogether, the income of his royal highness and his illustrious consort, amounted to 28,000*l.*, independent of the military emoluments enjoyed by his royal highness. It had not appeared to ministers that it would be consistent with the dignity of the throne, and with the spirit of the proceedings of parliament on similar occasions, deliberately to place the sons of the sovereign in a state of subordination and inferiority to the nephew of the Crown and his illustrious consort. When it was considered, that the grant to the prince Leopold was 50,000*l.*; that the grant to the duke of York had raised his allowance to 40,000*l.* a year, in 1792; that the duke and duchess of Gloucester enjoyed since their marriage 28,000*l.* a year—they felt that they could not place the allowances of the sons of the king, on whom the hopes of succession rested, at less than 30,000*l.* a year.

He had now submitted the reasons which had influenced the Prince Regent's ministers in their view of the subject. They had certainly flattered themselves, that this proposition would be adopted by the House in its largest extent, as it would have been provided for without throwing new burthens on the country. This being the general scale of the allowances which it had been in their intention to propose for all the married sons of his majesty, they had thought that it would not be just or proper to make an exception in the case of the duke of Cumberland. On the marriage of his royal highness a proposal for a grant had been submitted to parliament, and had been at first carried, but when embodied in a bill it had been negatived. Ministers did not, however, think that the opinion of parliament, on that occasion, was so recorded as to form an obstacle to placing his royal highness on the same footing as his brothers. There were feelings on the proposition at that time which presented serious obstacles to the grant. At that time the marriage was considered more of a private than of a public nature, but from events which had since taken place, it had assumed a public character; and ministers would have failed in their duty had they not resolved to bring the subject again before the House. They could, indeed, take no other course without resolving to act on the principle of perpetual exclusion. He thought the House would be unwilling to force that illustrious person into exile. It appeared but just, that the same provisions should be made for him as for the junior branches of the royal family. The whole expense of the proposed arrangement, supposing the duke of Kent should marry, would amount annually to 55,500*l.* It was proposed to give the duke of Clarence 19,500*l.* to make up his income 40,000*l.*, and to give the dukes of Cumberland, Kent, and Cambridge an additional 12,000*l.* per annum, to bring up their incomes 30,000*l.* An outfit to a corresponding amount was also to be proposed. No part of the arrangement of 1792 had been more disapproved, and no part of that of 1815 more approved, than that which related to the outfit; as it was only by means of a liberal outfit that any chance was afforded to the royal pair, of being enabled to avoid getting in debt. In consequence of the outfit and the allowance the charge created in the present year would have been 110,000*l.* The permanent annual charge would have been 55,500*l.* By this arrangement no new burthen would have been thrown on the country, as the expense would have been covered by funds which had been established for other purposes. On this however he laid no stress. Either way it would be as broad as it was long, whether the money was advanced by the public, or whether he intercepted those savings which would otherwise go into their pocket. This did not affect the wisdom or the expediency of the measure. It however did appear, that this expense could be met by the falling in of claims on the consolidated fund, which either had already ceased, or which would be terminated within a very limited period. In the first instance, by the death of her royal highness the Princess Charlotte, there was a falling in of 10,000*l.* The

fund set apart from the income of the Prince of Wales for the liquidation of his debts, he had the satisfaction to state, would in the course of two years be liberated, and thus 50,000*l.* would be annually applicable to other purposes, which 50,000*l.*, with the other 10,000*l.* would have covered the whole expense of the intended arrangement. Bowing with all deference to the feeling which had been manifested by the House on this subject, ministers were still of opinion it was their duty in the first instance to act as they had done, seeing the arrangement contemplated would neither have thrown any new burthen on the people, nor impoverished the consolidated fund more than it had been impoverished before.

He had now to state the outline of the plan, which, under all the circumstances, it was the intention of ministers to submit to the House, and the sources from which the charges of it were to be met. Whatever indignity he might meet with from the other side of the House, for proposing a smaller sum than it was in the first instance meant to call for, he should never feel the course he was taking to be inconsistent with the discharge—the honourable discharge—of his duty. Though he allowed that the man who gave up any public principle to be the instrument of a measure which he could not approve, abdicated both his character and his duty, he did not think the reduction of the amount of an allowance, in deference to the general opinion, involved any abandonment of public principle. He thought, on the contrary, the duty of a minister was, to collect the general opinion, and to bring the feelings to a common purpose. In making an arrangement which affected the junior branches of the royal family there was a marked distinction, as he had before contended, between their situation as unmarried men, and as being in a married state. He conceived, in the arrangement made, nothing ought to be deducted from the regular incomes of their royal highnesses in consideration of any emoluments which they might receive professionally. Nor did he think that either in their married or unmarried state, the income of the royal dukes allowed by parliament, should be regulated by the sums which they derived from other quarters. To adopt such a principle, would be to deprive the public of all benefit that might be derived from their talents, and how cruel the situation in which they would be placed, the common motives of life taken away from them, and they compelled to feel that nothing they might accomplish could elevate them to a more eminent situation! Though born to an exalted station, they were already subjected to some cruel privations, disqualifications, and exemptions, which fell on no other class of subjects. Others, from the exercise of their talents, might realize fortunes, not only for themselves, but for their descendants. It was the peculiar lot of the members of the royal family to be exempted from opportunities of establishing independent fortunes for themselves or their posterity. It might be wise to make them dependent on the regard of the people; but ought this principle to be pushed to the extreme length of forbidding them, under any circumstances, to endeavour to improve their lot, and gain an addition to that income which was granted by parliament? The whole of the royal dukes they ought to be careful to treat only as members of the royal family. They ought not to decide, from the personal character of any one of them, on the question submitted to their consideration, as this would open the door to endless debates, equally unpleasant and improper, on the personal merits of individuals. A false impression had gone abroad on the subject of the emoluments of the duke of Cambridge at Hanover; and an hon. member had wished some information as to their amount to be laid before the House. This was that which could not regularly be given. His royal highness was exposed to much misrepresentation in this particular; but he could state, that there was nothing in the character of his situation that ought to deter the House from showing their affection and their duty, by making the provision for him that would be proposed, and which, he would say, common justice to the individual required them to grant. He could assure the House that this illustrious duke had no intention of separating himself from this country, or of residing permanently abroad; nor had he ever any such intention, for the whole of his establishment in this country remained during the time he had been abroad, exactly on the same footing in which it had been during his residence in this country. It was very important for the House to keep this in view. As to the amount of the emolument of this royal duke, it was material to state, that the whole of his royal

highness's pay, as head of the army in Hanover, was only about 5,300*l.* a year. Beyond this, all the other emoluments attached to that situation did not exceed 700*l.*, making the total amount of his income derived from his situation at the head of the army in Hanover not above 6,000*l.* a year. At the same time he must contend, that a temporary employment abroad, such as that now held by his royal highness, ought not to weigh with the House in making a provision of the kind now proposed, and ought not to preclude the House, as it had never on any former occasion precluded the House, from making a provision such as was due to the son of a king of Great Britain.—Then, as to the duke of Clarence, he had no revenue but that granted him by parliament, with the exception of his pay as an admiral, which amounted only to 1,100*l.* a year. He wished it to be understood, that all the statements which he submitted upon this subject would be substantiated by documents which it was meant, in due time, to lay before the House. With respect to the income derived from the appointments of the duke of Kent, the returns of it had not yet been made up. But still, so far as it could be ascertained, he would state it. That royal duke had the government of Gibraltar and a regiment of infantry. As to the latter, a regiment of infantry was not very profitable to any man; but to a royal duke, certainly much less so than to any other person. His government and his regiment together did not produce his royal highness above 6,000*l.* a year. And here again he must remark, that this was an income arising from casual circumstances, and therefore liable to the same observation which he had before made. But with regard to the emoluments which he had stated, he hoped that they would not serve to exclude the royal personages alluded to from that degree of liberality which they would otherwise experience from the House. Such a proceeding would, indeed, be both unjust and impolitic; because it would operate injuriously, as well to the fair claims of the individuals of the royal family, as to the interests of the public service. He need not describe the consequence of establishing the principle, that any sum obtained by a member of the royal family from any public appointment should operate a proportionate reduction in the settled revenue of that individual. It was obviously just and politic, that the monarch should have the means of encouraging the exertion of his own children, as well as that of other individuals, for the public service; nothing, indeed, should be allowed to interfere with that disposition, which was at once congenial with parental feeling, and contributive to the public benefit. Those who had the highest interest in the state should not be deprived of their due reward for serving it; for it would amount to a sort of privation to allow that reward to form a ground for diminishing their fair claims to a settled revenue. But, to return to the case of the duke of Kent, his royal highness, it was known, was much longer without his proper provision than any other member of the royal family. His royal highness had spent fourteen years in service abroad in various colonies, which was three years longer than any other member of the royal family had served abroad, and six years longer than some. It therefore could not be thought much, if, after such a period of service, he had the emoluments of the government of Gibraltar, and of a regiment of infantry. It would surely be foreign to the feelings of the House to suppose, that to a proposal for providing a suitable income for a member of the royal family on the occasion of his marriage, it could be answered, that the proposal would not be acceded to, because that personage for whom the provision was asked, had already such and such casual sources of revenue. That the produce of such appointments should form any reason for deducting from the grant proper to be made to the members of the royal family, would, in his view, be quite as unfair as to make staff-allowances a ground for such deduction. He trusted the House would feel, that an adequate provision for the members of the royal family was the best course to pursue, for the purpose of guarding those illustrious personages, who, for the public interest, should always be enabled to stand high in the public estimation, from contracting any debts.

On these grounds he felt confident that the House, in deciding on what would be a proper provision for their royal highnesses the dukes of Kent and Cambridge, would not consider the temporary addition to their revenue which they at present received from situations now held by them, as a ground for making that provision less than the House would otherwise think suitable. After the feelings

which had already disclosed themselves in the House on the general question, his majesty's servants had felt it their duty, in fixing the amount of the provision which they meant to propose, to do so on the closest possible calculation, and on the very lowest scale consistent with justice to their royal highnesses. In making this estimate ministers had not merely acted on their own judgment; they had taken the advice of persons who had that degree of experience in such matters which could alone give weight to their opinions, and authority to their information. In taking this advice ministers felt they were doing that which was an indispensable duty; for it must be allowed, that it was one thing to administer the affairs of a private family, and a very different thing to administer the affairs of a royal duke. They had gone into the subject with a determination to form their judgment on a most minute view of the case. Having formed an estimate on these principles, and on such advice, the result was, that while nothing like extravagance should be tolerated, it was indispensably necessary, to maintain the splendor becoming his station; that an annual provision should be made for his royal highness the duke of Clarence, in addition to what was already granted, of 12,000*l.*, or at the very lowest 10,000*l.* With less they were persuaded that a proper establishment for his royal highness could not be supported without involving him in debt, which was the very evil, above all others, which the House would desire to provide against. Looking at the present situation of his royal highness, they felt that less than 10,000*l.* would be absolutely insufficient for the purpose. Therefore, in calling upon the House to vote such a sum, he felt their decision upon it would be equivalent to deciding whether or not any sum at all ought to be voted. For the duke of Cambridge, the duke of Cumberland, and (in case he should marry) the duke of Kent, the very lowest sum which could be proposed was 6000*l.* In the case of marriage, the provision for the wife in the shape of jointure and pin-money, was to be considered. As to pin-money, that was of course to be allowed by the husband from his own means; and such of course was to be the case with any of the royal dukes. The pin-money allowed to the duchess of York was 4,000*l.* a year; in the case of the duke of Clarence it was thought it could not possibly be made less than 3,000*l.* When this was considered, it would be found that, in fact, the proposed allowance to the duke of Clarence, when pin-money was deducted, would amount to no more than 7,000*l.* a year; while the grants to the other princes would amount to only 3,000*l.* a year each. He would submit to the House whether any smaller sum could be proposed; and he could assure them, that his majesty's ministers had gone into the subject with a painful desire of meeting the wishes of the House as far as was consistent with a due regard to the dignity of the royal family, and to the interests of the people. Ministers had not, however, taken into account that which had never heretofore been regarded by parliament upon cases of this nature, namely, the amount of the revenues derived by our princes from their appointments, either at home, or under any foreign prince, and particularly a prince so closely connected with this country as the sovereign of Hanover. If the House felt interested in a proper provision with a view to the succession to the Crown, then he was sure it must be allowed that this provision could not properly be fixed at a lower rate. The succession to the throne was a subject in which the House and the country certainly took a very warm interest; and he was sure that, in making this provision, the House would desire to prevent the country from being exposed to the risk of the succession devolving on any of the Houses on the continent connected with our royal family.

He had now opened to the House (and he hoped he had done it fairly) all that his majesty's government originally intended—what they now proposed, and the views and principles on which they had acted. He had certainly stated all that ministers had conceived necessary to describe their intention—that intention he had, indeed, endeavoured fully to explain, for neither himself nor his colleagues wished to conceal the motives upon which they acted. They did not indeed, desire to shrink from the responsibility of proposing to place the sons of the king in a proper position to save them from debt and embarrassment—to enable them to sustain their due rank in society. In now proposing the additional sum of 6,000*l.* for the younger sons, he only asked for the same provision which parliament had made from the year 1767 till 1795 or 1796, for his royal highness the late duke of Gloucester, whose revenue during that time

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was 24,000*l.* The present duke of Gloucester had 28,000*l.* He would therefore put it to the House, whether, if any provision at all was to be made, it could be lower than that proposed, which would make the total amount of the revenue of these royal dukes 24,000*l.* a year. He must avow to the House, that he experienced very great pain, not merely personally, but in his public capacity, in proposing a provision on this scale, for he felt that he was running a risk that he was providing an income too low. It was certainly pushed to the very lowest point. Ministers had done every thing in their power to accommodate their views to the wishes of the House, and to render their propositions consonant to the principles of public economy. They had, indeed, pared down the allowances to be proposed much lower, he apprehended, than many members might be disposed to approve. For it was not by any means improbable that several respectable individuals might regard the proposed addition as inadequate for the maintenance of the proper dignity of the princes in the event of their marriage. His own opinion he had yielded to the judgment of others, for whom he entertained the highest respect. But having stated the views of ministers, he would now leave the whole case to be determined by the judgment and liberality of the House. He had, however, he felt on recollection, omitted to state the amount of the jointure proper to be granted to each of the wives of the princes. At first it was proposed that the same jointure should be provided for the duchess of Clarence as for the duchess of York, viz. 8,000*l.* It was now proposed to make it 7,000*l.* for the duchess of Clarence, and 6,000*l.* for the consorts of the other royal dukes. The proposal now was that the amount of the proposed provision, added to the present income of the duke of Clarence, should make his revenue in the whole 28,000*l.* instead of 40,000*l.* as first proposed, and the other royal dukes, 24,000*l.* a year, instead of 30,000*l.* He did not recollect that there was any thing else which it was necessary for him to offer to the House on this occasion. With these observations he would submit the proposal to the House once more, requesting them to consider whether by agreeing to it they would not take the best means of providing for the succession to the Crown. The noble lord concluded by moving the following resolution—"That his Majesty be enabled to grant an additional yearly sum of money out of the consolidated fund of the United Kingdom of Great Britain and Ireland, not exceeding the sum of 6,000*l.* to make a suitable provision for his royal highness the duke of Clarence, upon his marriage."

Mr. *Charles Barclay* said, that when he saw the distress which prevailed in the country; when he perceived that it would be necessary to raise eleven or twelve millions to supply the deficiencies of the current year; when it was known that the Prince Regent had given up 50,000*l.* annually of his own income; when ministers themselves had made sacrifices, in order to lessen the general burthens;—when he was aware of these circumstances, he could not but feel convinced, that the present time was a most improper one to bring forward such a motion as that which was now before the House. He did not think that the noble lord had altogether put the question, as to the sources from which these additional grants were to come, in its proper light. It was true, that no additional burthen might be placed on the country in consequence of the grants; but it was also true, that the money proposed to be so applied, would be a saving to the country of so much. As to the comparison which had been made of the allowance to the duke of York in 1792, he did not think it was a fair one, whether with reference to the case itself, or to the circumstances in which the country was placed at the time. Let the House but look at the state in which the country was placed at that period, and, comparing it with its present situation, they would see from the comparison, that the present was not the proper time to take any thing from the public purse, which was not indispensably necessary. The duke of Clarence did not, in his opinion, stand in a situation that entitled him to a greater allowance than the junior branches of the royal family. Supposing that, after receiving this provision, and entering into the marriage state, his royal highness had no issue, there would then be the same reasons for augmenting the revenue of his next junior brother. Was not his present income sufficient, if freed from incumbrances? And, with those incumbrances, would it not be swallowed up or diverted from its purpose? To him it appeared, that at present the distinction was not called for, and ought not to be made. The way in which he viewed the motion

was, as affording a means of paying the debts of his royal highness. With respect to the duke of Cumberland, he thought any addition was unnecessary. His royal highness had not been put to much additional expense in consequence of his marriage; and unless he saw some striking proofs in his royal highness's family, that an additional income was necessary, he should certainly oppose it; or if there was one of the junior branches of the royal family to whom he would more willingly than to another grant an additional allowance, it was the duke of Kent. If, indeed, the other royal dukes had pursued the same system as the illustrious personage alluded to, for the discharge of their debts, more would be done to maintain the proper character of the royal family, than could be expected to arise from the adoption of the present proposition. He should have no objection to an appropriate grant in case of the widowhood of any of their royal highness's consorts. He did not mean to propose any direct negative upon the motion before the committee, but he felt it his duty to call upon gentlemen to pause before they agreed to that motion—to postpone the consideration of a motion for augmenting the burthens of the country, until it was known whether the country was in a state to meet that augmentation. Upon these grounds, the hon. member proposed, that the farther consideration of the motion should be postponed until this day week.

The Chairman said, that the amendment of the hon. gentleman would not be regular. His object would probably be obtained by moving, as an amendment, that he should now leave the chair. Mr. Barclay then moved, as an amendment, "That the chairman report progress, and ask leave to sit again."

Mr. *Parnell* begged the House to consider, that the illustrious personages for whom they were now called upon to make a provision, were cut off from many sources of emolument which were open to persons in a different situation in society. He was decidedly in favour of the original motion. If the royal personages in question contracted marriages with illustrious families, it was, he conceived, incumbent on the House to make such provision for them as the national dignity required; and if so, he did not think that any proposal for such provision could be more moderate and unobjectionable than that before the House. He was altogether averse to profusion at this particular crisis, yet, in justice to these royal personages, and the scale of expenditure consequent upon their exalted situation, under the circumstance of a marriage, he should feel it his duty to support the grant proposed.

Mr. *Protheroe* congratulated the House upon the effect which its virtuous determination in favour of economy had produced upon the conduct of ministers. For it was manifest, that a very material change had taken place in their plan, with regard to the amount of the sum which they proposed to grant upon this occasion. But notwithstanding this change, he could not reconcile it with his sense of duty to withdraw his opposition to the measure. The noble lord, it was evident, still persisted in approving of his original views, and therefore he had expressed a doubt, truly, whether the House would come down to his reduced proposition. This expression should serve to put the House upon its guard against the plan of gross extravagance which was manifestly in contemplation. In addition to the regret occasioned by the melancholy death of the Princess Charlotte, was the apprehension that that event might lead to some instability or uncertainty as to the succession to the Crown. That apprehension was now, he perceived, brought forward to reconcile the House to the imposition of additional burthens upon the country. He trusted that the marriage in contemplation was not contracted with any mercenary view, and he hoped the contracting parties would enjoy all the happiness that could be wished, without any addition to the burthens of the people. He would not yield to any man in respect for the Crown, and in genuine principles of loyalty; but he would show that loyalty, by using the language of plain truth—and he wished ministers had addressed the same language to their Prince upon this subject. If they had, he was persuaded the proposition before the committee would never have been brought forward. The petitioners for what was called radical reform, were told, that they had nothing but revolution in view, and that that House did not require any reform. But he would tell the noble lord, that if propositions of this nature were pressed, much of the complaints of the reformers would be justified, and the security of the Crown would be more endangered by the faithlessness of its supporters, than by the violence or madness of any class of the

people. He congratulated the House upon the principle and spirit which it had manifested upon this occasion. For it had availed itself of the opportunity to repel the calumnies circulated against it, by showing that it was not less solicitous for the protection and advantage of the people, than for the interests of the Crown. This was the course for the House to pursue, in order to maintain its own character, and to secure the confidence of the country. It was the obvious and bounden duty of the House, to consider the condition and circumstances of the country before it consented to add to its burthens. There was notoriously nothing in the state or prospect of our finances to warrant or excuse any such addition. He hoped, therefore, that the House would at once resist the proposition, and not wait to take its tone from popular meetings. The hon. member concluded with observing, that with regard to the proposed grant to the duke of Cumberland, he saw no reason whatever why the House should accede to that now, which was rejected on a former occasion; for never, perhaps, had the House so decidedly acquiesced in the universal voice of the people, as in the vote which it pronounced upon that occasion.

Mr. *Gurney* said, it was perfectly obvious that his majesty's ministers were in a position of singular embarrassment, but it appeared to him the parliament itself was under circumstances of perplexity almost equal to theirs. On the one hand, they were told that a farther provision was absolutely necessary for the junior branches of the royal family contracting these marriages—on the other, they knew that the people, embittered by the recollection of a period of suffering almost unexampled —having under their eyes a situation of the finances, which had prevented the country from even doing common justice to those who had spent the best exertions of their lives, or had ventured those lives in the service of the state, were in no temper to bear any grants of any sort called for, or uncalled for.—Things standing thus, he should support the proposition of the member for Southwark, to delay coming to a decision till they had the returns of what provision these illustrious individuals were actually in the receipt of from the public, and till the accounts of the year's revenue had been laid before the House. An hon. member had alluded to the Royal Marriage act. Mr. Gurney said, he should also allude to another act, namely, that of the 10th of Anne, giving the rank and precedence of princes of the blood to all the descendants of the electress Sophia, "any law, statute or custom to the contrary notwithstanding." This act, springing from the junction of Harley and the discontented Whigs—all parties, at the moment, bidding against each other for the favour of the successor to the Crown —changed the whole tenor of the law and custom of England. The electress was the third in descent from the Crown. We were now in the sixth descent from the electress Sophia. The Royal Marriage acts came upon this, and together placed the junior branches of the house of Hanover in a situation, divested of all support from either domestic alliance or territorial possession; which must go on increasing their embarrassment and the parliament's perplexity for ever and ever.—The old policy of the kings of England was, to marry their younger sons either to foreign princesses with dowry, or to the great heiresses of the country. It was a succession of four marriages with English heiresses that carried the House of Lancaster to the throne; and successive marriages with three great heiresses—the last of them involving the possessions of a fourth—brought back the crown to the elder line of York again.—Mr. Gurney said, that the civil wars of those times might be adduced as marking the consequences which followed from the old system; but it must be recollected, that the great nobility of those days possessed whole provinces—that the mode of their expense was the keeping together numerous bands of armed retainers—that the Commons were almost powerless, and that whereas in the then state of society, the system pursued rendered the royal family too strong for the public peace, so, under the existing state of society, the system which had succeeded it, rendered the royal family so weak that they could not support themselves. By law, foreigners, through all generations, never came before the eyes of the public but in the unpopular light of demanding grants of money from parliament—which, with the increasing calls on the finances of the country, and the lowered value of the money so granted parliament would find it more and more difficult to supply. On the whole, he certainly approved of the motion of the member for Southwark, as it at least gave time for the receipt of those accounts which

would be necessary to guide the House in any decision they might ultimately come to.

Mr. *Holme Sumner* defended the meeting called at lord Liverpool's against the imputations which honourable gentlemen opposite endeavoured to level at it. To such a class of men he should always consider it an honour to belong, notwithstanding the designation which an hon. and learned gentleman gave them, when he called them a click. They were men of high character, and with such a degree of property as constituted a fair basis of responsibility. They did not, perhaps, possess, in as high degree as the hon. and learned gentleman, what he (Mr. S.) would call—taking the expression from the same source as the hon. and learned gentleman took the term click, namely, from the Slang Dictionary—the gift of the gab [a laugh], but they were gentlemen, from their character and connexions, best calculated to convey the general impression of the country on any subject about to be submitted to the notice of parliament. In his judgment, very material benefits might follow, though he was aware he could not say so in the present instance from meetings thus constituted. With respect to the particular proposition before the House, he could not go to the extent of the noble lord's motion—he could not consent that the House should provide for the duke of Clarence on the ground of his being a presumptive heir to the throne, a situation in which he did not stand. It was true, that his royal highness the duke of York was married and had no issue; but might not that illustrious personage, by the visitation of a family calamity, lose his lady? and in such an event, would not the royal duke have reasonable grounds, on a second marriage, to demand being placed in a situation similar to that in which the prince of Saxe-Cobourg was placed by parliament? Under such circumstances, could parliament refuse an establishment suitable to the station of the royal duke, after having before established the precedent in the case of prince Leopold? It was impossible for him to agree to the present demand for the duke of Clarence. To the extent of 6,000*l.* he was disposed to assent. But before he granted even that, he would ask, was the House in possession of the necessary information to assure it, that such an increase in the provision would be applied to uphold the splendor and dignity of that illustrious personage? He did think, that before any increase was granted, the whole of the circumstances ought to be before parliament. In considering the propriety of an increase, the House was bound to consider what were the present allowances of his royal highness? Independently of his annual allowance of 18,000*l.*, the duke of Clarence received 2,500*l.* by treasury warrants, with 1,100*l.* as his half, as admiral of the fleet. Added to this, he was ranger of Bushy-park, had a charming residence, with appendages of no less value than 8,000*l.* per annum. These things should be fairly stated. But at all events, before any increase of provision was given, he contended, that as the professed object of the present measure was to enable the royal duke to support a greater splendor, it ought first to be ascertained, that the sum would be made available to the purpose. But if public report spoke truly, the duke of Clarence was greatly in debt. These debts amounted to between 70 and 80,000*l.* An increase of 10,000*l.* per annum, under such circumstances, for an increase of splendor, went to place his royal highness in a degraded, rather than in an elevated situation. He feared it would be found, that the House was actually throwing away the money. The noble lord who introduced the proposition had stated, that a liberal outfit was the best antidote against incurring debt. But if the debts were already incurred, the antidote would be inoperative. With respect to the junior members of the royal family, he would have no objection to a regulated grant on their marriage. Much to the honour of his royal highness the duke of Kent, he had made every sacrifice to relieve himself from the pressure of his debts. In two years, it was stated, that illustrious personage would be wholly free from every incumbrance. If at that period any alliance was in contemplation, to an increased allowance he could not object. He was ready to admit, if the state of the country would permit it, that 30,000*l.* should be the allowance of the royal dukes on their marriage; but if the public necessity interposed, the royal dukes, in common with every other description of persons in the country, must yield to the pressure of the times [Hear, hear, hear!]. When he spoke of his royal highness the duke of Cambridge, it was impossible not to be impressed with the uniform tenour of his conduct, and particularly with the manner in which he had

avoided the incurring of any debts. Indeed, his revered and royal father had truly said of him, some years ago, in the language of Eton school, with which his majesty, from a feeling of protection, was familiar, that he had not made his first fault even then. Any increase of provision to that illustrious personage, could alone be applied to sustain the due splendor of his station. With regard to the duke of Cumberland, the question had been long ago settled. The various divisions on the proposed increase, had unequivocally manifested the opinion of the House and the country. Those who opposed the grant, increased in strength on every progressive discussion. From all parts of the kingdom, members hurried to express their opinion, and to state what they knew to be the feelings of the country. Never was there a question more decidedly settled.—A course, the reverse of what was ordinarily pursued, was taken on that alliance. No message had been made to parliament; no expression of its opinion was called for. The royal assent, it was true, was given; but parliament was asked indirectly to give its approbation. That marriage had been generally disapproved of; and he felt himself justified in saying, that parliament on that subject had not been fairly treated; and he must say, that parliament was not fairly treated in the present measure, by hooking the duke of Cumberland into the proposed grants for the other royal dukes [Hear, hear! from all parts of the House]. He was precluded by the forms of the House from proposing an amendment on an amendment; but if the amendment of the hon. member for Southwark should be negatived, it was his intention to move, that there be laid before the House an account of the whole revenue of his royal highness the duke of Clarence.

Lord *Castlereagh* rose, but was interrupted for some time by loud cries of Spoke, spoke! The noble lord said, the House was in a committee, and being in a committee, any member had a right to address the chairman as often as he thought proper. At any rate, he felt he had a right to call upon the House to allow him to remove a misapprehension of the hon. gentleman who spoke last. That hon. gentleman had stated, that the duke of Clarence derived not less than 3,000*l.* a year from his residence, and advantages attached to it. Now, including all possible advantages and means of emoluments, sheep-walks, &c., it would be more correct to estimate the emoluments derived from thence at 100*l.* a year than 3,000*l.* The hon. gentleman said, that the debts of the duke of Clarence were of such an amount, as would render the proposed vote nugatory and useless for the purpose proposed by it. This was by no means the fact. He could speak positively as to this, for he had entered into a minute examination of the affairs of his royal highness, and he was enabled to state, that a provision was made for paying them off, so that they would soon be completely extinguished; and that after covering the debt, there would remain a clear surplus of revenue to that royal duke, if the present vote was agreed to, of 25,000*l.* a year.

Mr. *Coke*, of Norfolk, declared, that under the present distresses of the country, with every inclination to increase the due splendor of the royal family, he could not accede to the proposed grant. Though he differed from the noble lord (Lascelles) who so properly expressed his opinion on the measure when first proposed, yet he was willing to afford his testimony to his integrity and public spirit on many public occasions. As a constitutional Whig for forty years, he must also say, in answer to what had fallen from the hon. member for Surrey respecting his hon. and learned friend (Mr. Brougham), that as long as his hon. and learned friend acted on the principles that he had avowed in that House, he should have his most decided support.

Sir *W. Curtis* said, he had not been able to bring his mind to an approbation of the sums which he had reason to believe it was at first intended to propose. He did not think that, regard being paid to all the circumstances in which the country was situated, that proposition was admissible at the present period. At the same time, he had always conceived that some additional provision was necessary when any of the royal family entered into the marriage state. In this view, he thought the modified arrangement submitted by the noble lord was one which there was sufficient reason for adopting.

Mr. *R. Ellison* said:—Mr. Chairman; I have almost always supported the measures of his majesty's ministers, from a firm conviction of the soundness of the principles on which they have acted; but I am extremely sorry that they have brought forward this measure. I have

always, Sir, supported every measure which I thought conducive to the dignity and honour of the royal family; for I have ever been a warm friend to the House of Brunswick. I have felt this attachment ever since I was capable of forming any opinion upon any subject; and I feel it still. Sir, I will support that family even to the last drop of my blood—I will, Sir. [A laugh]. I am a plain spoken man, Sir, and perhaps though my language be not so choice or so eloquent as that which is sometimes heard in this House, I may still be able to express intelligibly that which I do most strongly feel. [Cheering]. It is the duty of every member to attend to the interests of the royal family, but we must attend also to the interests of the people, and I cannot consent to humbug them—[A laugh, and cheering]. If the hon. gentlemen on the other side, who cheer me so loudly imagine that in what I have said I wish to make my sentiments correspond with theirs, they are mistaken. On this occasion, as on all others, I act with most perfect independence; and I think, Sir, that the principles which guide my opinion on this subject, as on most others, are widely different from those of the hon. gentlemen on the other side who just now cheered me. There is no man living who honours his king and his country more than I do. I consider the interests and the honour of the Crown; but I must consider the interests of the people too. Sir, the distress of the people is great—less than it was, thank God!—but still it is great. I think that the wise and salutary measures pursued by his majesty's government have been principally the means of alleviating that distress. In the present state of the country, we cannot venture to impose any additional burthens on the people. If we let things go on in a quiet way, as they now are, we shall, I think, act wisely. But at this time to think of imposing any new burthens for the purpose now in view, will be to insult the nation, and will be most injurious to the royal family. On the marriage of the duke of Clarence, I believe every man will allow something ought to be done. But then we must make such provision only as the circumstances of the country will permit. Farther than that we must not go. If the royal family are alive to the distresses of the people (and I am sure they are), they will wish for no greater provision than such as I have mentioned. In this view I consider the proposition now submitted to the House as one of the most injudicious that ever was brought forward. I will vote for some provision to the duke of Clarence; but the proposition now before the House I shall most decidedly oppose.

Sir *Thomas Acland* remarked, that there were so many points involved in this question, of which different views might be taken, that he was desirous of stating, very shortly, the principles by which his votes on the subject would be governed. He thought it the duty of the House, in the first place, to remove from their minds every consideration, excepting that of what allowance it was proper for parliament to grant, with a view to the marriages in contemplation. On the subject of individual character, he conceived the House was not then sitting in judgment. If the marriages were proper, it was fit they should be supported; and if an improper use were made of the bounty of parliament, their royal highnesses, and not the House, were the persons responsible. Neither ought their opinions to be directed by any reference to emoluments drawn from private sources, or the reward of public and honourable service. The only question to be entertained by the House was, the fitting provision to be made by this country for its princes, and the fair and necessary increase required on their entering the marriage state; supposing always, that the marriage to be contracted was honourable in itself, and worthy of the approbation of the country. Looking, then, at this simple question, in the only view in which it ought to be regarded, he was sorry that he could not concur in the first resolution proposed. He stated this with unfeigned regret; for nothing could be more painful to him than to find himself precluded from meeting the language of manly and honourable conciliation, with the cordial and entire acceptance that the noble lord's intentions deserved. He trusted, however, that in opposing the resolution, he was acting in the strict discharge of his duty; and above all, that he was wholly uninfluenced, as he trusted the House would be, by any thing that might pass out of doors. It was indeed difficult in discussing a question of mere amount, to determine with certainty on the precise number of thousands which, without excess or deficiency, it was the duty of the House to grant. But he could not agree with the hon. member for Southwark, in the expediency of adjourn-

ing this consideration of the resolution, for the purpose of investigating its details. Such discussions were necessarily painful; and it was of importance to bring them to a speedy termination. There was also an impropriety in prying too closely into the private affairs of the royal family. The continuation and frequency of public debates on these delicate subjects, were, even in parliament, if he were allowed to say it, more mischievous than they could possibly be beneficial.—He must therefore decidedly object to any further inquiry, even with a view of ascertaining the proper amount of the grant. And it did so happen, that ministers themselves had furnished the House with sufficient means of judging this matter. But three years ago they had laid down a measure of the proper increase of establishment, on the marriage of the younger members of the royal family. He alluded to the sum proposed after the marriage of the duke of Cumberland. Whether wisely or unwisely he would not presume to inquire; or whether a reduced scale was adopted in the hope of gaining the assent of the House to a proposition, obnoxious in itself, ministers had then induced parliament, in the early stages of the bill which they brought forward, but which was fortunately afterwards thrown out, to the great satisfaction of the country, to recognize the particular sum of 6,000*l.* as the proper scale of increased provision on the marriage of the younger princes. If it was unsuitable, they had alone themselves to blame. They had suggested the precedent; and parliament could look to no other. Assuming, then, on their own example, the sum of 6,000*l.* to be a proper addition, he should be perfectly ready to grant it in all cases of marriages that met with the approbation of the House. But he saw no reason why the situation of the duke of Clarence, with reference to the succession, ought to constitute any exception to the rule, or distinguish him from the rest of the royal brothers. Between his marriage and that of the duke of York, he, for one, saw no analogy. In the one case, the death of the prince of Wales would have made the duke the next heir to the Crown. In the other, a possibility, though certainly no great probability existed, that two entirely distinct lines might intervene, and exclude both his royal highness and his posterity for many years from the succession. He was very willing to allow, that an immediate heir to the throne was in a situation which required the means of supporting very considerable dignity and splendor, but he could not extend this principle so far as to the case of the duke of Clarence. But both to his royal highness and to the duke of Cambridge, he should not object to vote the additional allowance of 6,000*l.* in consideration of their marriage; and he thought that the same sum should be given to the duke of Kent, whenever a satisfactory marriage on the part of his royal highness should be communicated to the House. But in adverting to the renewed proposition in favour of the duke of Cumberland, he must say, that he approached it with feelings of the deepest regret; a regret, he admitted, much augmented by all that had fallen under public observation since that unfortunate subject was last disposed of by the House of Commons. The House had then advisedly come to a most deliberate and resolute determination. It was not for them to interfere with the royal prerogative, or to attempt any direct control over the marriages of the royal family: but they had one means of expressing their sense with respect to their propriety. This they had done in conformity with the feelings of the country on a former occasion; and he called on the House not to throw away their only resource on such occasions, by retracting their declared opinion. It must necessarily derogate from the authority of that opinion, if they should now be induced to reverse their proceedings. For himself he only could say, that on all the other parts of this painful subject, he had come down to the House that evening with much anxiety, and even somewhat of doubt upon his mind; but upon this part, he had made up a determination which he knew could not, because he felt it ought not, to be shaken.

Lord *John Russell* was desirous that every grant which was necessary to the dignity of the royal family should be agreed to, yet he thought that some attention should be paid to the means which the country had of making good those grants.

Lord *Lascelles* wished to say a very few words on the motion immediately before the House. With regard to the amendment, he did not perceive the expediency of any delay in coming to a decision. On the contrary, he thought it just and fair to the royal family, that the

House should come to a vote that night. It was not necessary to go minutely into circumstances; the only question was, whether, as certain members of the royal family were about to marry, parliament would sanction the necessary arrangements. He troubled the House with his opinion in consequence of what had fallen from him on a former night, and because he thought the question involved the credit of the House, as well as of the royal family. It had never been in his contemplation to refuse an adequate provision, although, in the actual state of the country, it had appeared to him that a smaller sum would answer the purpose. To the reduced allowances now proposed he felt no sort of objection.

Mr. *Forbes* disapproved of the distinction made in favour of the duke of Clarence, and could not consent to grant him more than the sum voted to the other younger brothers of the royal family, in the event of their marriage. He believed that the allowance of 6,000*l.* a year to the duke of Cumberland would have been carried, if the same activity had been employed to support, which had been exercised to defeat it.

Lord *Compton* said, he had been averse to the original proposition, not because he thought it disproportionate to the situation of the illustrious persons for whom it provided, but to the present circumstances of the country. He could not allow, however, that there was no ground for the distinction taken between the duke of Clarence and the other younger members of the royal family. The duke had, indeed, two elder brothers, but they were both married and without offspring. He wished the House to recollect that an excess of parsimony might have the effect of defeating the proposed marriages altogether. He saw no reason for revoking the opinion already expressed by the House in the case of the duke of Cumberland, and would remind them, that there was another branch of the royal family not now before them, who would in that case be equally entitled to some provision in the event of his forming an alliance of this nature.

Mr. *S. Thornton* felt it his duty to vote against the large sum; but if a smaller sum were proposed, he would support the proposition. He entreated his hon. friend, the member for Southwark, to withdraw his amendment, as it was extremely undesirable to keep a question of so delicate a nature hanging over the House; and as an explanation of the circumstances of the individual illustrious branches of the royal family had been given, there could be no occasion for delay. He called the grateful attention of the House to the highly respectable conduct of the duke and duchess of Gloucester, who in their domestic establishment were not less the subjects of general admiration in their neighbourhood, than the ever-to-be-lamented family at Claremont. This branch of the royal family, it should ever be remembered, had forborne to call on parliament for any augmentation of income, from their sense of the pressure of the times of the people of England.

Earl *Gower* expressed his surprise that any member should grudge to their royal highnesses, that increased provision which was necessary to enable them to meet those expenses to which their marriages would subject them. Adverting to her royal highness the duchess of Cumberland, he observed, that her royal highness's case was one of peculiar hardship. Her royal highness had now resided for three years in this country, and he would venture to say, without fear of contradiction, that she had acquired the respect of all who had had the honour of any intercourse with her; and he was persuaded from the bottom of his heart, that the more her royal highness was known, the more she would be esteemed. Her royal highness was indebted to the generosity of the king of Prussia for her maintenance ever since she had become a British princess; and he put it to the House, whether this was worthy of the pride of England. He could not have satisfied himself had he not made this statement.

Mr. Barclay signified his readiness to withdraw his amendment: but there being some cries in the negative, the chairman decided that a division must take place. The question was then loudly called for, and strangers were ordered to withdraw. The House, however, did not divide. Mr. Sumner then moved, That the grant be reduced from 10,000*l.* to 6,000*l.*

Mr. *Lambton* complained of the dilemma in which he was placed. He observed, that he was against any grant; and that if he voted against the 6,000*l.*, he might occasion a majority in favour of the 10,000*l.*, to which he was still more averse.

Sir *Gilbert Heathcote* thought that the present incomes of the junior branches of the royal family were ample. He, as an

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individual, was obliged to attend to his domestic concerns, and he thought the royal dukes ought to do the same.

Mr. *Calvert* observed, that the difficulty arose from the embarrassed circumstances of the country. He thought that the utmost economy ought to be observed in the intended grants.

Mr. *Brougham* adverted to the difficulty complained of by Mr. Lambton, and recommended him to vote in the first instance for the smaller sum, which merely pledged the committee to a grant not exceeding 6,000*l.*, after which he might, in a subsequent stage, vote for reducing that sum to an amount merely nominal.

Mr. *Tierney* understood that the noble lord meant to propose something by way of dower, to which he had no objection, and therefore would not concur in any vote that might break up the committee.

Mr. *Canning* commented on the point of order, and stated, that if the House were against voting any grant at all, they might stop the proceedings of the committee altogether, or vote a nominal sum, which would answer the same purpose. But he rose for the purpose of expressing his approbation of the larger sum proposed. When he compared the proceedings of this night with the feeling that prevailed on the opening of the session, he was at a loss to conceive by what process the whole feeling then expressed had been so completely evaporated. If proper reasons were assigned why the junior branches of the royal family should contract marriage alliances, it was in the power of the House of Commons to give or withhold their support, and he trusted that necessity would be considered under present circumstances. If it was expedient to provide for the succession to the throne, it was an unfair and an imperfect view of the question then before them, to consider the circumstances of each specific marriage. With respect to his royal highness the duke of Clarence, he could assure the House that his royal highness would not have thought of contracting this marriage, it never would have entered into his contemplation to engage in this alliance, if it had not been pressed upon him as an act of public duty [Hear! hear! and a laugh.] —When he had been desired to state on what conditions he would contract the marriage, he had wished them to be limited to the provision of such means as would prevent him from incurring debts, and becoming in that odious manner a burthen to the country. As a contractor of debt he did not stand before the House. His noble friend had told them that his royal highness had voluntarily, and by arrangements of his own, set apart a portion of his income for the payment of interest, and he believed, also for the insurance of his life, and the gradual liquidation of the principal. Had it not been for this alliance, therefore, he would not have required any aid from parliament; and into this alliance his royal highness entered, not for his own private desire and gratification, but because it was pressed on him for the purpose of providing for the succession to the throne [a laugh]. If there was any thing ridiculous in this proposition, it was brought about by their own laws. The laws of the country prevented the royal family from entering into engagements of marriage at home: they insisted that the branches of their royal family should look abroad for wives; and when they came to do this, as in the present case not from liking or affection, for that could not be supposed possible when the persons had not even seen each other; if there was any absurdity in such an arrangement, it was referable to the laws themselves. And when they did marry, it was hard that parliament should refuse them the allowances necessary to the maintenance of their rank. The interval which had occurred between the bringing down of the message and the present discussion, had been employed in investigations which enabled him to state, that with less than 10,000*l.* additional a year, it was the opinion, not of the duke of Clarence himself, but of the persons most conversant in the domestic concerns of the royal household, that his royal highness could not take upon himself the state and dignity of a married prince without incurring the danger of contracting fresh debts. This opinion was given by those who had been desired to ascertain how low the proposition could be brought. From the information since collected by ministers, they had felt it their duty, in obedience to the not to be mistaken sense of the House, to reduce the grants which they had intended to propose. But it was equally their opinion—and his majesty's government were anxious to bring down the proposed sum to the lowest practicable point that they could conscientiously recommend—that an addition of less than 10,000*l.* would render his royal highness's marriage, if not altogether impracticable,

hazardous to the ease and honour of his royal highness and his royal consort. That was the plain ground on which the present question stood. He wished the committee to go to the division with the impression, that in voting for the reduction of the grant they would, in fact, vote to nullify the contract of marriage. In voting for the 10,000*l.* they would vote only for one half of the sum originally proposed [Hear, hear!] a sum, the propriety of which, both his noble friend and himself thought then, and still thought, maintainable by fair argument, but which they had no hesitation in surrendering to the expressed opinion of that House. The sum substituted ministers would take upon themselves to say would be effective for the purpose in view; but this was a responsibility which they would not be subject to were a less one to be substituted.

Mr. *Wodehouse* expressed his determination to support the amendment proposed by the hon. member for Surrey.

Mr. *W. Smith* wished to correct a mistake into which a right hon. gentleman had fallen, as to what passed in the minds of many gentlemen on this side of the House. Many gentlemen on this side of the House might think 30,000*l.* a year a larger sum than was necessary to support the younger branches of the royal family. But they were of opinion also that if any additional allowance should be necessary to any of the branches of that family, there were other sources from which it might be obtained, than by imposing additional burthens on the people; and they wished for such information as might show whether or not a sufficient sum might be taken from the Windsor establishment to answer all the purposes wanted? They did not wish that the members of the royal family should be placed in an unpleasant situation when they were married, but they were persuaded, that from that same establishment sufficient might be taken to serve all the ends proposed; and if, for one, he could not consent to go any farther, it was because, when he considered the aggregate of the sums enjoyed by the royal family, he could not help thinking there was fairly enough to answer all purposes. He was sure, the feeling which the country had so recently displayed for the loss of a branch of the royal family had not departed from them; for nothing tended to alleviate that feeling. He was sure, the hearts of the people were deeply interested on that occasion, independently of all political considerations. He believed that that feeling existed to the present moment; and he believed also, that the loyalty of the country to the royal family would not be diminished, if the proposition, so seasonably alluded to by an hon. gentleman, was acceded to.

Sir *W. Guise* agreed with the hon. gentleman who had just sat down, that sufficient might be taken from the Windsor establishment to answer every purpose for which an additional allowance was now asked. The duke of Clarence had, in his opinion, been sufficiently rewarded for any service, either naval or military, rendered by him to the country.

Lord *Castlereagh* said, that as an idea seemed to be entertained by some members that a sufficient sum might be appropriated from the Windsor establishment to answer every purpose, he wished to set them right on that subject. He apprehended it was in no degree competent to the House, on a question of aid to the Crown on the occasion of any of the royal marriages, to take the Windsor, or any similar establishment, into their consideration. But he wished to draw the attention of the House a moment to the subject, for the purpose of showing that the general idea of the Windsor establishment being on such a footing that a large reduction might be made from it, was erroneous. He really believed, that if the committee gave the necessary attention to the subject, they would find that, with the single exception of the officers of state, the establishment was conducted on the principles of the strictest economy. Never, indeed, was any establishment conducted more with a view to economy. Now, what was the amount of the reduction which could be made in the quarter to which he had alluded? The whole of the salaries on the Windsor establishment, from the officers of state down to the meanest servant, amounted to 33,000*l.* Of this sum 10,000*l.* only was applicable to offices of that description, that could admit of being reduced. If they took away from this sum the allowance to those officers who were indispensably necessary, the whole sum, with respect to which there could be any question as to reduction, came within 6,000*l.* The Windsor arrangements had been adopted by parliament after the fullest discussion, and he hoped and trusted that before they proceeded to reduce any part of the es-

tablishment, the subject would be discussed in a manner not less satisfactory.

Mr. *Tierney* wished to say a few words with respect to the assertion, that, except as to the officers of state, it was impossible there could be any reduction in the Windsor establishment. When he read that which he was about to read to the committee, he hoped he should satisfy every member that the statement of the noble lord was completely erroneous. His majesty's privy purse amounted to 60,000*l.*—a privy purse of 60,000*l.* in the present state of his majesty [Hear, hear!]. Out of this sum he admitted that the allowance to the physicians had to be paid; but on the most liberal allowance to them, this would not amount to 18,000*l.* a year. There was also received out of the duchy of Lancaster 10,000*l.* So that here was 70,000*l.* a year which her majesty had, without there being any necessity of rendering an account for any part of it. With the deduction of an allowance to the physicians, and a few pensions, this was a fund for accumulation for somebody [Hear, hear!]. Her majesty's establishment amounted to 100,000*l.* a year. These two sums made together 170,000*l.* But besides this her majesty was allowed for the Windsor establishment 58,000*l.*, and an additional allowance of 1,000*l.* a year for what was called travelling expenses; and the allowance for the two princesses was 26,000*l.* making the total of the Windsor establishment amount to no less a sum than 264,000*l.* per annum [Hear, hear, hear!]. If the noble lord had meant to say, that her majesty and her two daughters, together with the king, could not be maintained on less than this sum, he was ready to debate the matter any day that he had to spare. This much he had thought it necessary to state, to meet the broad assertion, that no reduction was possible in the Windsor establishment.

Lord *Castlereagh* said, that an accurate investigation would show the impossibility of any reduction in the Windsor establishment. With respect to the privy purse, it was well known, that a great part of it was devoted to benevolent purposes. With respect to the 100,000*l.* to her majesty, he did not see how that sum could enter into any computation of the Windsor establishment. The House would bear in mind, that her majesty, by act of parliament, was entitled to the full sum of 100,000*l.* as her jointure. To this sum she would be entitled wherever she lived, and it could not therefore be said to form any part of the Windsor establishment. If they deducted that sum and the privy purse from the establishment, there remained, for all the expenses of the Windsor establishment, only 58,000*l.*; and they would recollect, whether the queen lived at Windsor or not, the Windsor establishment must be kept up. The 100,000*l.* was applicable to the queen's own establishment. It was a great error to suppose that the Windsor establishment furnished any part of the queen's household.

Mr. *Sumner* said, he had stated, on rumour, the debts of the duke of Clarence to amount to 40 or 50,000*l.* It was now said, that the whole claims against the duke of Clarence might be liquidated for 5,000*l.* a year. The question was not, whether they would grant such a sum as might be necessary to the duke of Clarence, but whether having granted him such a sum, they would grant him another 5,000*l.* a year for that part of it, the fee of which he had already consumed.

Mr. *Lambton* said, that his objection to any grant had not been obviated by any thing that had fallen from the other side, and he therefore felt himself called on to record that objection, and to move that the chairman of the committee do now leave the chair. There was not in the three kingdoms a warmer friend to the house of Brunswick than himself; he was bred up in the principles that placed that family on the throne, and he should be wanting in his duty if he did not support that family; but when he looked at the burthened state of the country, and the distress which was spreading over the face of the country, he could not consent to burthen the people with another shilling for additional allowances to the younger branches of the royal family. If the Windsor establishment was excessive, the abuses ought to be done away with at once. But he did not see how they could take that establishment into their consideration at present. Because a great part of the Windsor establishment was unnecessary, that was no reason why more than was necessary ought to be given to others. A monstrous charge ought not to be borne—but that had nothing to do with the present question. The question was, should they burthen the country with 6,000*l.* a year, because the duke of Clarence wished to marry? because he had extravagantly thrown away that which

parliament had already granted him, were they to make good the effects of that extravagance? This was not surely what the people expected from them. Ill would they be discharging their duty to their constituents, if they did not resist in the commencement this attempt to impose fresh burthens on the people [Hear, hear!].

Mr. *Wynn* said, that if the original proposition had been adopted, it would have gone farther to shake the attachment of the country to the royal family than any proposition ever submitted to parliament. He would shortly state the grounds why he was still disposed to agree with the amendment of the member for Surrey. He could not accede to the opinion that the junior members of the royal family, having already received a settlement in their unmarried state, were entitled to call upon the public for an additional grant on their marriage. He thought that the argument on which the larger grant to the duke of Clarence was founded, namely, his relative situation in the royal family, was, in fact, destructive of the proposition that the younger branches should also be amply provided for with additional funds. For what was the analogy of private life? Was it usual, when the eldest son was settled in marriage with a large fortune, and a corresponding establishment, to increase also the incomes and establishments of the younger branches in the same proportion? Was not the very contrary the customary mode of proceeding? He should give his vote in favour of the 6,000*l.* which, in a former instance, was considered a sufficient income. In the event of an increase of family, it would be for parliament to consider the circumstances of the case, and to grant an increase if they thought proper. On the occasion of the marriage of the duke of York 40,000*l.* had been voted; but then it was to be considered that the marriage was peculiarly desirable, on account of the alliance with Prussia, the treaty of which was referred to the committee; and besides, the duchess of York brought with her a large dowry, he believed 160,000 crowns. With respect to the Windsor establishment, it appeared to be a question amply worthy of the consideration of parliament, but not that night. Whatever reduction could be made in that establishment, the House were equally bound to make, although the present question had never come before them. Upon the whole, he was decidedly of opinion that the minor sum was for the present sufficient.

Mr. Lambton did not press his amendment; and the committee divided on the amendment proposed by Mr. Holme Sumner for reducing the allowance of the duke of Clarence from 10,000*l.* to 6,000*l.* a year:

For the Amendment.....	193
Against it	184
Majority ——	9

The result was received with loud shouts of approbation; amidst which, lord Castlereagh rose and observed, that since the House had thought proper to refuse the larger sum to the duke of Clarence, he believed he might say that the negotiation for the marriage might be considered at an end. The House then resumed, and the resolution was ordered to be reported to-morrow.

List of the Majority; and also of the Minority.

Majority.

Abercromby, hon. J.	Cawthorne, J. F.
Abercromby, Robt.	Calvert, Nic.
Althorp, Viscount	Calvert, Charles
Aubrey, sir John	Campbell, hon. J.
Abdy, sir W.	Carew, R. S.
Acland, sir Thos.	Carter, John
Atkins, John	Caulfield, hon. H.
Archdale, gen.	Cochrane, lord
Astell, Wm.	Coke, Thomas W.
Ashurst, Wm.	Curwen, J. C.
Blair, J. H.	Cocks, hon. Jas.
Baker, John	Cocks, J. S.
Bolland John	Davenport, D.
Broadhurst, John	Drake, T. T.
Barclay, Charles	Drake, W. T.
Bankes, Henry	Drummond, G. H.
Bankes, George	Dowdeswell, J. E.
Bastard, John	Dunlop, general
Babington, Thos.	Dickinson, Wm.
Butterworth, Jos.	Duncannon, visc.
Burrell, Walter	Douglas, hon. F. S.
Bentinck, lord W.	Douglas, W. R. K.
Boughey, sir J. F.	Egerton, Wilbraham
Broderick, hon. W.	Ellison, Cuthbert
Baillie, J. E.	Ellison, Richard
Baring, sir Thos.	Elliot, rt. hon. W.
Barnett, James	Finlay, Kirkman
Barnard, visc.	Forbes, sir M.
Bennet, hon. H. G.	Forbes, C.
Birch Jos.	Fane, John
Brand, hon. Thos.	Fellowes, W. R.
Brougham, Henry	Fazakerly, Nicholas
Burroughs, sir W.	Fergusson, sir R. C.
Byng, George	Fitzgerald, lord W.
Cooper, Ed. S.	Folkestone, Visc.
Carhampton, earl of	Frankland, Robt.
Cockrell, sir C.	Fremantle, Wm.
Calcraft, John	Gaskell, Benjamin

Gurney, Hudson
Gilbert, D. Giddy
Gascoyne, general
Grant, J. P.
Grenfell, Pascoe
Guise, sir W.
Gordon, sir W. D.
Grattan, rt. hon. H.
Hammersley, Hugh
Holdsworth, A.
Horne, Wm.
Hamilton, lord A.
Heathcote, sir G.
Howard, hon. W.
Hornby, Ed.
Hurst, Robt.
Hill, lord Arthur.
Jolliffe, Hilton
Keck, G. A. L.
Knatchbull, sir E.
King, sir J. D.
Lockhart, J.
Leader, W.
Latouche, John
Lambton, J. G.
Lefevre, C. S.
Lemon, sir Wm.
Lewis, T. F.
Lloyd, J. M.
Lyttleton, hon. W. H.
Lester, Benj.
Lubbock, sir John
Lowndes. Wm.
Maitland, E. F.
Mills, C.
Marryat, Joseph
Manning, W.
Mordaunt, sir C.
Morrit, J. B. S.
Macdonald, Jas.
Madocks, Wm. A.
Markham, Adml.
Martin, John
Martin, Henry
Methuen, Paul
Morpeth, visc.
Moore, Peter
Newport, sir John
North, Dudley
Nugent, lord
Newman, R. W.
Ord, Wm.
Ossulston, lord
Ogle, H. M.
Onslow, Arthur
Protheroe, Ed.
Portman, E. B.
Plunkett, rt. hon. W.
Peirse, Henry
Pelham, hon. C. A.
Philips, George
Piggot, sir A.
Ponsonby, hon. F. C.
Powlett, hon. W.
Proby, hon. capt.
Phillimore, Jos.
Pym, F.
Robinson, G. A.
Rashleigh, Wm.
Robarts, W. T.
Rowley, sir Wm.
Russell, R. G.
Saxton, sir C.
Simeon, sir John
Shaw, sir J.
Shaw, Ben.
Staniforth, John
Swan, Henry
Sturt, Henry
Sebright, sir John
Spencer, lord R.
Scudamore, R.
Sharp, Richard
Sefton, earl of
Smith, John
Smith, George
Smith, Samuel
Smith, Abel
Smith, Robt.
Smith, Wm.
Smyth, J.H.
Symonds, T. P.
Stanley, lord
Thornton, Samuel
Thompson, Tho.
Taylor, M. A.
Tremayne, J. H.
Talbot, R. W.
Tavistock, marq. of
Tierney, rt. hon. G.
Vaughan, sir R.
Vyse, R. W. H.
Vernon, Granville
Wodehouse, Edm.
Wilder, general
Wilberforce, Wm.
Wright, J. A.
Walpole, hon. G.
Waldegrave, hon. W.
Warre, J. A.
Webb, Ed.
Wharton, John
Wilkins, Walter
Williams, R.
Wynn, sir W. W.
Wynn, C. W.
Williams, Owen
Wood, alderman

TELLER.

Sumner, G. H.

PAIRED OFF.

Burrell, hon. P. D.
Mackintosh, sir J.
Plumer, William

Minority

Abercromby, hon. A.
Allan, George
Arbuthnot, rt. hn. C.
Apsley, lord
Barry, rt. hon. J.
Bathurst, rt. hon. C.
Benson, R.
Buxton, J. Jacob
Beresford, lord G.
Beresford, sir J.
Bernard, visc.
Binning, lord
Blackburne, John
Blackburne, J. J.
Boswell, Alex.
Bridport, lord
Butler, hon. H. C.
Bourne, rt. hn. W. S.
Brooke, C.
Brydges, sir S. E.
Calvert, John
Copley, J. S.
Congreve, sir W.
Compton, earl of
Cole, sir C.
Colthurst, sir N.
Canning, rt. hon. G.
Canning, G.
Cartwright, W. R.
Castlereagh, visc.
Chute, W.
Clerke, sir G.
Clive, Henry
Collet, E. John
Courtenay, T. P.
Cranbourne, visc.
Cricket, R. A.
Croker, J. W.
Curtis, sir W.
Cust, hon. W.
Curzon, hon. B.
Chichester, Arthur
Dering C.
Dalrymple, A. J.
Disbrowe, col.
Dundas, rt. hon. W.
Dufferin, lord
Dawkins, James
Doveton, Gabriel
Duncombe, C.
Eliot, hon. Wm.
Estcourt, T. G.
Evelyn, Lyndon
Fane, J. Thos.
Farmer, S.
Farquhar, James
Fergusson, J.
Finch, hon. Ed.
Fitzharris, visc.
Fitzhugh, Wm.
Flood, sir F.
Forbes, viscount
Forrester, Cecil
Foster, Leslie
Franco, R.
Frank, admiral
Frazer, C.
Fynes, Henry
Gifford, sir Robt.
Gipps, George
Golding, Ed.
Grant, colonel
Gooch, T. S.
Goulburn, H.
Gower, earl
Grant, C. jun.
Greville, hon. sir C.
Gunning, sir G.
Hill, sir G. F.
Hope, gen. A.
Howard, lord H. M.
Hume, sir A.
Holmes, Wm.
Huskisson, rt. hon. Wm.
Holford, G. P.
Hulse, sir Charles
Jackson, sir J.
Jenkinson, hon. C.
Innes, Hugh
Keane, sir John
Kerrison, sir E.
Kirkwall, visc.
Lacon, E. K.
Legh, Thomas
Lascelles, lord
Littleton, E.
Long, rt. hon. C.
Longfield, col.
Lopez, sir M.
Lovaine, lord
Lushington, S. R.
Luttrell, H. F.
Lygon, hon. H. B.
Maitland, John
Maberly, John
Macdonald, R.
Marjoribanks, sir T.
Manners, lord Rt.
Manners, Rt.
March, earl of
Marsh, C.
Mellish, Wm.
Michell, general
Monk, sir C.
Moore, lord H.
Moorson, sir R.
Morland, S. B.
Machonochie, A.
Money, Wm. T.
Neville, Rich.
Nicholl right hon. sir John
Osborne, J. R.
Owen, sir John
Paget, hon. B.
Paget, hon. C.
Palmer, colonel
Peel, sir Robt.
Peel rt. hon. R.
Peel, W. Y.
Percy, hon. J.
Pennant, G. H. D.
Phipps, hon. general
Pole, sir C.
Porter, general
Powell, W. E.
Pringle, sir Wm.
Quin, hon. W.
Rocksavage, lord

Round, John	Valletort, visc.
Ryder, rt. hon. R.	Vansittart, rt. hon.
Robinson, rt, hon. F.	N.
St. Paul, sir H.	Vernon, George.
Scott, sir Wm.	Walpole, lord
Scott, S.	Wallace, rt. hon. T.
Shaw, Robt.	Ward, Robt.
Shepherd, sir S.	Warrender, sir G.
Singleton, Mark	Wetherell, C.
Smith, T. A.	White, Matthew
Somerset, lord G.	Wigram, Robt.
Spencer, sir B.	Wilson, C. E.
Stanhope, hon. J.	Wildman,——
Stirling, sir W.	Williams, Robt.
Stopford, hon. sir E.	Wise, A.
Strutt, J. H.	Wood, sir Mark
Sullivan, rt. hon. J.	Wood, Mark
Strahan, Andrew	Wood, col.
Sykes, sir M.	Worcester, marq. of
Thornton, general	Wrottesley, H.
Thynne, lord John	Wyatt, C.
Townshend, hon. H. G. P.	Yorke, right hon. C.
	PAIRED OFF.
Trefusis, hon. C.	Murray, genl. sir John
Ure Masterton	Yarmouth, earl of

HOUSE OF COMMONS.

Thursday, April 16.

PRINCE REGENT'S MESSAGE RESPECTING THE MARRIAGES OF THE ROYAL DUKES.] Lord *Castlereagh* said:—Sir, in rising to move the order of the day, for a committee of the whole House to take into consideration the Message of his Royal Highness the Prince Regent, respecting the intended marriages of some of his royal brothers, it may perhaps be convenient to state to the House the course which is meant to be adopted in that committee. It is intended that the resolutions which I had the honour of submitting last night, should be followed up on the present evening; but before the report of the committee is brought up, I wish to state to the House one or two circumstances connected with it. In the observations which I addressed to the House last night, I mentioned, that the proposed grants had been reduced to the lowest possible scale on which they could be made, consistently with the rank and dignity of the illustrious personages for whom they were intended. When his majesty's ministers on a former evening discovered the sense of the House as far as it could then be known upon the subject of these grants, they felt it their duty to make the most minute inquiry into them, and after a diligent examination, and after having consulted those who were well acquainted with such matterss they come to the determination of reducing them to those sums which I had the honour of submitting. In the first of these, that to the duke of Clarence, the House conceived, that a farther reduction might be made, and they therefore made it. To that decision of course his majesty's ministers must bow. Having been, sir, the organ of these communications to the House, it will, I trust, feel, that I should not have performed my duty if I had not informed his Royal Highness the duke of Clarence of the resolution to which the House had come. I therefore took an opportunity this morning of communicating the matter to his royal highness; and here, Sir, I beg to say, that I should not be doing justice to his royal highness, if I omitted to state, that in receiving this communication, and in the observations which he made to me upon the subject, he seemed impressed with sentiments of the highest respect for the decision of the House. But as his acceptance of any provision which might be voted for him would necessarily imply an obligation to maintain an establishment such as would be required by his situation in this country after his marriage, and as his royal highness is thoroughly convinced that he could not undertake to maintain such an establishment with the sum proposed, without the certainty of incurring embarrassments from which he would have no means of extricating himself, his royal highness deems it incumbent upon him, in this stage of the proceedings, to authorize me to declare, with the utmost deference to the opinion of the committee of the whole House, that he feels himself compelled to decline availing himself of the provision intended for him. His majesty's ministers feel waranted in saying, that the sum which they proposed was the least which, under the circumstances, could be offered; and they, therefore, after due consideration, think that the reason for the non-acceptance of the grant on the part of his royal highness is well grounded. I have thought it my duty to state these circumstances to the House, that they may decide in what manner the report of the committee should be disposed of.—The noble lord concluded by moving the order of the day for the House resolving itself into the committee.—The House having accordingly resolved itself into the committee,

Lord *Castlereagh* said, that the part of the message to which he wished to call the

attention of the committee, was that which related to the marriage of his royal highness the duke of Cambridge. After the attention which the House had given to his detailed observations on the subject of a provision for this illustrious member of the royal family, he did not think it necessary now to occupy the time of the House by a repetition of them. He would merely move the resolution for the grant, reserving to himself the right of giving any explanation or statement which might be necessary. He then moved, "That it is the opinion of this Committee, that his majesty be enabled to grant an additional yearly sum of money out of the consolidated fund of the United Kingdom of Great Britain and Ireland, not exceeding the sum of 6,000*l.*, to make a suitable provision for his Royal Highness the Duke of Cambridge, upon his marriage."

Mr. *Brougham* said, that the last debate had been confined almost entirely to the consideration of the proposed grant to the duke of Clarence. It would now appear from the conduct of the noble lord, that because the House had thought fit to reduce the proposed grant to that royal personage to 6,000*l.* a year, that ministers thought the next grant might be moved as a matter of course, and that nothing more was necessary than to name one of the younger princes, to entitle him to 6,000*l.* a year But for his own part, he would say that even if he stood alone, he felt it incumbent upon him, as a guardian of the public purse, to object to proposals thus made—to grants brought forward not one by one, and each on its own circumstances, but in a mass, and as parts of a system. He objected to this lumping proceeding, which went upon nothing less than the broad principle, that all the members of the royal family who were disposed to contract marriages, should have a large addition to their already splendid allowances. No one could lament more than he did, the afflicting and irreparable loss which had interrupted the direct succession. The more they reflected on it, and the longer time they had to think on it, the more deeply would it be impressed on their minds; and he was certain, that if any thing could make the grief of the nation more poignant, it would be the manner in which these wholesale grants had been proposed to other members of that illustrious house. It was painful to make any observations on the character or conduct of particular members of the royal house, whose situation and character were so eminently connected with the security and the happiness of the monarchy. He should, therefore, pass over that subject swiftly; but he could not avoid to add, that the propositions of the grants to their royal highnesses the dukes of Clarence and Cumberland, must tend to impress still more on their minds the lamented decease of the princess Charlotte, and to strengthen their feelings and recollections of the evils of her loss.

He admitted, that it was highly expedient that facilities should be afforded to the marriage of the princes of the royal family; and if there was an absolute necessity for these provisions, for the purpose of continuing the succession in the family of those princes who had been born and educated in this country; if it could be proved, that no member of the royal family would contract a marriage without some allowance from parliament, he should vote for the lowest possible sum which would be sufficient. If he was satisfied that no other but the youngest of the princes of the royal family could contract a marriage, and that without an allowance it would be impossible for him to contract it, his objection would be nearly, or entirely got rid of. But if the principle was applicable to all the princes, why pass on to the youngest and leave one royal duke out, whose character stood so eminent, whose public conduct was so excellent, and who had so particularly distinguished himself by the measures he had taken for relieving himself from those incumbrances which he believed could not be considered as imputable to himself? The duke of Kent had already been mentioned. His private character was unimpeached, and his public conduct entitled him to the just esteem of all who knew him. The recent measures which that royal duke had adopted, and to which he should not have alluded, but that they had been already mentioned, and which promised to liberate his income in a short time from the difficulties in which by accidental circumstances it had been involved, rendered him still more worthy of regard. The duke of Clarence had informed the House, in terms of great respect, that he could not accept of the proffered allowance. A right hon. gentleman had last night told them, that in the proposed marriage, his royal highness would have made great sacrifices of pri-

vate feeling—that he only felt what was required from him by his duty to the monarchy of which he formed so distinguished a part, and that he had overcome all objections of a private nature. That repugnance was now no longer to be got over; the insufficiency in his Royal Highness's opinion, of the parliamentary allowance, added to his former objections, left no hope of his marriage. But why, all at once, did the noble lord proceed to the youngest of the sons of the royal family, except for the purpose of establishing the principle, that an addition of 6,000*l.* a year should be granted to each of those who choose to enter into the married state? In behalf of the duke of Cumberland, although his Royal Highness was already married, it would, of course, be contended, that it would be unjust to make an exception, and to refuse to the elder what was granted to the younger brother. If the principle was to apply generally, why make any exceptions? The duke of Sussex's character was unimpeachable, and in his meritorious conduct he had gone farther than the duke of Kent, having given up nearly all his income to liquidate embarrassments, while he had not the advantages possessed by the other royal dukes. The duke of Kent had the governorship of the garrison of Gibraltar, and had a regiment worth 1,500*l.* a year. The duke of Clarence, he believed, had 2,500*l.* a year under a warrant of the privy seal. The duke of Sussex had no allowance from any of these sources—he had only his parliamentary income at one time of 12,000*l.* and afterwards of 18,000*l.* a year, and this allowance he had a year later than the duke of Cambridge, though he was a year older. The duke of Cambridge, in addition to this, previously to his marriage, had a table kept for him in the palace, and was thus prevented from coming to his allowance with a heavy arrear of debt, as his royal brother was obliged to do. Much had been said of the private affairs of the duke of Cambridge, and viewing, as he did, economy, not only as meritorious, but as a virtue (and if not a virtue, the most rigid moralist would allow it to be the parent of many virtues), he should offer to his Royal Highness the tribute of his admiration. But his royal highness the duke of Cambridge had practised it in circumstances which made that virtue comparatively easy. He had his allowances earlier than his royal brother, the duke of Sussex, and had not come to it with that unavoidable arrear of debt. He had a large military income, and in Hanover he had an income which had been stated at 6,000*l.* a year, besides a town and country house, a shooting seat, with the use of the king's stables and servants. Whether or not he had a table kept up besides his income of 6,000*l.* a year, or whether that expense was included in it, he was uncertain. Thus over and above his personal and household expenses, and his military income he had 18,000*l* a year from this country, which might be allowed to accumulate, and he believed that, in fact, it did so accumulate, and that large sums were vested by his Royal Highness in the funds of the country. He meant nothing invidious towards the royal family: he spoke on the principle of the proposed measure; and he was justified in saying, that while the House would not hesitate to vote some allowance to those members of the royal family whom it was desirable to see married, and who would not be enabled otherwise to contract marriages, so they were bound by their duty to their constituents to refuse grants to those to whom they were not necessary. They were bound in consistency to refuse them. In consistency, he said, because having refused to give 10,000*l.* to the duke of Clarence on the ground that it was not absolutely necessary, why should they grant 6,000*l.* a year to the duke of Cambridge, which was admitted not to be necessary? In voting, therefore, a sum to that illustrious person, they were only squandering the money of the public to pay an idle, but not on that account a less expensive compliment. If the noble lord, therefore, could not assert that without this allowance his Royal Highness's private and public income would not enable him to marry, he should give the motion his negative altogether.

Funds had been adverted to (the Windsor establishment), from which these allowances might with propriety be supplied. But there were other funds; he meant the private funds of the heads of that illustrious house. On the malady of the king, commissioners were appointed to manage the private fortune of his majesty, and it was once proposed (although the proposition was afterwards withdrawn) that salaries of 1,000*l.* a year should be paid to them from that source. This assumed, that those funds were ample. It

was also understood that her majesty had very considerable property. He hoped the committee would not think him actuated by a disposition to pry into the affairs of the royal family. He meant no such thing, nor did he intend any thing like disrespect: but when they heard of the difficulties of some of the nearest and dearest relatives of the heads of the royal family, it seemed to be natural, that those who had large incomes, and property saved by a wise practice of economy, should furnish at least a part of the assistance wanted. He was sure he only spoke the sense of the House and the country when he suggested that the course of proceeding which he recommended would show that the highest individuals in the country had a fellow feeling in the public distress, and entertained a generous sympathy for a people distinguished by such constant loyalty, attachment, and regard. They were wisely exempted from all share in the public burthens, and as that storm was blown over, which they, as well as the people, were interested in escaping, they might now take an opportunity to relieve the burthens of the nation by dispensing to the less fortunate branches of their family that abundance which was enjoyed by those who were more favoured, or even more provident. He confessed it was not the amount which chiefly arrested his attention. He considered the principle more important still. It was not so much whether 6,000*l.* more should be voted, as whether any thing should be voted which was not necessary. Their respect and delicacy would be misplaced, and he would say childish, not only if 6,000*l.*, but if sixpence more than was necessary should be voted. It was highly deserving of reprobation, that the people should be incumbered with the payment of any thing not indispensably required—that a people so well known for their patience, for all their burthens cheerfully borne, and for an indisposition to grumble at those burthens as long as they were not to be avoided. Let not that people be told that they were clamorous, if they objected to pay what was then demanded, after they had paid millions without a murmur when they felt it to be necessary to do so. There was no greater enemy to the people, no falser friend to the royal family, than he, who abandoning his duty to his constituents would persuade parliament to put a negative upon, or not voluntarily to comply with, the expressed sense of the people. The cry of economy had gone forth from one end of the kingdom to the other; and if one kind was more loudly called for than another, it was that particularly connected with the princes of the royal house. As to personal qualifications, where the question was as to the grant of public money to the family on the throne, they were not fit subjects of debate. The means of the individuals to support their station, and not their personal character, should be looked to. If the sum was granted to the duke of Cambridge, he did not see how it could be refused to the duke of Cumberland. What he was in his public, what he was in his private character, did not matter to the House. He knew nothing of the duke of Cumberland in his private character: in his public character, he thought he had acted erroneously. He considered him as having been a party to a gross political intrigue. But when it was asked, whether, on that account, he should remain in a state of degraded poverty, while large grants were made to his brothers, he should reply that, in consistency, parliament could not suffer it. No man should think that he was an enemy to the consolidation of the monarchy by refusing this motion. In the spirit of the times, and the temper of men's minds, there was growing more and more, a determination, deep-rooted, fixed, and immoveable, that the people would have economy. And if one part of the public extravagance was more personally odious and offensive than another, it was improvident and useless grants to the members of the royal family. Let the succession be maintained by all fair (and fair because necessary) means. One of the illustrious men who was now regarded only as the greatest poet, though he was also one of the firmest, though often misrepresented friends of liberty, had said that he preferred a republic to a monarchy, because the trappings of a monarchy would set up a commonwealth. In this he presumed to differ from him, and to think that he took too narrow a view of the question; for he (Mr. B.) preferred a monarchy, with all its trappings; but it was on the condition, that they should be cut down to the lowest amount, consistently with the safety of the monarchy itself. But he was no true friend to royalty who attempted to draw off veneration from the fabrick of the monarchy to its extrinsic ornaments, and, by accumulating

expense, to assist to persuade the people that other forms of government were better, because they were cheaper. That member would do his duty, first to the people, because they were the first concerned, and next to the family on the throne, who voted all that was absolutely necessary to preserve the succession, but not one farthing more.

Lord *Castlereagh* said, he felt himself called upon by the observations of the hon. and learned gentleman who had just sat down, to say a few words, and he would compress what he had to say in the shortest possible compass. Notwithstanding the provocations thrown out by the hon. and learned gentleman by the tone of every part of his speech, he would endeavour to meet his remarks in that temperate manner which was desirable in every discussion, but especially where the subject was such as that now before the committee. Before he applied himself to the matter of the hon. and learned gentleman's speech, he could not avoid calling the attention of the House to that part of it from which (if the hon. and learned gentleman had not concluded that part of his subject, by saying that he would not make any invidious comparisons between the members of the royal family), he should have supposed that the obvious intention of the hon. and learned gentleman was, to make his speech the vehicle of invidious reflections and invidious comparisons between the members of the royal family. The hon. and learned gentleman set out with saying, that the subject was one of great delicacy; but he had hardly gone through his first sentence before he broadly insinuated that one of his objections to the proposal was, that it obliged him to pronounce on the characters of two members of the royal family. When the hon. and learned gentleman professed to be a friend to the royal family as a member of parliament, he (lord C.) was bound to believe him; but he must say, that if there was any course calculated above all others to inspire into the minds of the people a feeling of disgust towards the royal family, it was that which the hon. and learned gentleman had pursued. Such reflections operated in concert with the poison so industriously disseminated out of doors. There was no proceeding better adapted to such purposes than throwing out reflections without assigning any ground, public or private, on which they were founded: than casting insinuations on persons who were known not to be within the walls of that House, and who consequently were unable to defend themselves. He would put it to the House to decide what could be thought of the insinuations of the hon. gentleman; he would put it to them to say, what the illustrious personages in question must feel on such an occasion. The hon. and learned gentleman regretted that the House had not been called upon to dispose of the question of a provision for each of the royal dukes, on the individual merits of each case. What was there to prevent the House from deciding each case on its individual merits? Was not each case distinct and separate—the subject of a separate motion, and separately discussed? In short it was not the fact, as had been represented by the hon. and learned gentleman, that the House was called upon to decide the cases in the lump. No lumping or general vote had been proposed; on the contrary, every question was a subject of special motion, and every single proposition was open to the decision of the House, like other motions; therefore all the objections on that ground were at once dismissed. He could not conceive any thing more humiliating to the illustrious persons concerned, or more derogatory to the dignity due to the royal family, and more painful to the House, than that the extraordinary principle of the hon. and learned gentleman should be acted upon. He (lord C.) trusted that the House would never sanction that principle—that noble personages in the same situation as his royal highness, should be called on, whenever they wanted an addition to their establishment for such a purpose, to come forward with a statement of their affairs, and plead *in forma pauperis*. He could not conceive any thing so painful to the House as that any members of the royal family should be compelled to make solicitations for provisions upon those grounds. According to the hon. and learned gentleman's principle, when a marriage in the royal family happened to be desirable, from any circumstances, with a view to perpetuating the succession in the reigning family, the course to be pursued would be to search and pick out that prince who would be willing to marry on the lowest terms; and on the same principle any member of the family, however low or remote, provided he was lineally, or collaterally in the line of descent, if willing to marry with a less

provision than another member of the family nearer in point of succession, the cheapness of the rate, the lowness of the provision which he would agree to accept, and not the propinquity to the throne, or any other circumstance was to be the ground of preference. Whatever the hon. and learned gentleman might think, or whatever he might say, with whatever object, he was persuaded that neither the House nor the country could ever agree to so monstrous a proposition.—Although he agreed with the hon. and learned gentleman that no desire was so strong in the House and throughout the country as that of enforcing a rigid economy, in his conscience he must acquit the people of England of harbouring any principle of economy so contemptible as that which the hon. and learned gentleman had attributed to them; and in attributing which he had passed a libel both on the House and on the country. The hon. and learned gentleman affected to see no reason why the proposal for the duke of Cambridge should precede that for the duke of Kent. Was not the hon. and learned gentleman aware that there was not at present any proposal for the marriage of the duke of Kent? And yet the hon. and learned gentleman insinuated that because the proposal for the marriage of the duke of Kent did not come first, therefore there was some indisposition on the part of the Prince Regent to the marriage of the duke of Kent. Nothing could be more unfounded than this. There was no such indisposition; but the marriage of the duke of Kent was not at present intended. He expressed his hope and confidence that the House would take a very different view of the revenue derived by the royal duke alluded to, from his appointment in Hanover from that which the hon. and learned gentleman was so anxious to recommend, To argue, indeed, that any such revenue, or any casual revenue, should form a ground for diminishing the allowance proper to be granted to a member of our royal family, would be quite inconsiderate and unjust. Would the House countenance the idea that no member of the royal family should have his due reward for any appointment which he accepted at home or abroad? Would it be argued, for instance, that if any son of the king, were appointed commander in chief of an army upon the continent, his royal highness should be precluded from the usual emoluments of the station, or that his acceptance of such emoluments should deprive him of any part of his proper revenue, in this country? Surely parliament would never allow such homage to the talent or character of one of our princes, as so high an appointment would imply, to be used as an argument to abridge his proper allowance as a member of our royal family. This, indeed he could not think possible, for it never could be the inclination of a British parliament to extinguish all exertions and emulation among those very persons whose merits it was the peculiar interest of the country to encourage and illustrate. The situation of chief governor or viceroy of Hanover, he could assert was reluctantly accepted by the duke of Cambridge on the strong persuasion of his illustrious brother, and was only to be deemed a temporary appointment; from which he might withdraw whenever he might consider it convenient. He would put it to the hon. and learned gentleman, whether there ought to be any objection to the provision, on the ground of that temporary situation. The advisers of the Crown had felt themselves called on in pursuance and in furtherance of that great public principle, that nothing should be left undone that could secure to the country a succession to the Crown of that great House which had been so long the guardians of their liberties. On these grounds he felt himself bound to press the present motion, taking as a rule the sum which the House had thought proper to vote for the duke of Clarence: and he must repeat his hope, that the House would not allow its decision to be influenced by the hon. and learned gentleman's partial views of economy.

Mr. *Brougham* observed, that nothing but the situation in which the noble lord's mind was placed by what passed yesterday and the day before, could account for the remarks which he had thought proper to make with regard to what had fallen from him. A very ill-natured thing might be said in the coolest manner possible, but the noble lord was in rather an unusual and unpleasant condition, and the temper to which it gave birth, could extenuate only, for nothing could justify such observations as he had applied to his sentiments, for the noble lord had directly imputed to him an endeavour to run down and vilify the royal family. That the noble lord thought so, he was bound to believe, or he would not have said so. But he would appeal to the House, or to any one who had heard him in a proper temper whether

his language could be so characterised with any degree of justice? He thought it would be admitted that his language had no such tendency, and sure he was that he entertained no such intention as was imputed to him by the noble lord. No man could have expressed himself more temperately or guardedly than he had done. He had been surprised and astonished as to what part of his speech bore the construction given to it by the noble lord; but after consulting with several of his friends, he concluded that the part of his speech, to which the noble lord referred was, where he noticed the melancholy death of the princess Charlotte; but he did not upon that occasion enter into any invidious comparison with any other member of the royal family, and for this he appealed to the recollection of the House. He had, indeed, no disposition whatever to speak disrespectfully of the royal family. On the contrary, he did not enter into the consideration of the private character of any of the princes alluded to in the opinions which he had expressed on the vote which he meant to deliver upon this subject. His argument had gone no farther than to condemn extravagant provisions. The only question which, in his view, the House had to decide was, whether it was necessary and proper to grant the sums required and upon this question his decision was in the negative. Nothing but the ruffled temper occasioned by what had passed on Monday and last night could have prevented any man of ordinary capacity from perceiving what was his meaning.

Lord *Castlereagh* agreed with the hon. and learned gentleman respecting the necessity of good temper and good humour, and hoped the hon. and learned gentleman would always carry on his observations in the spirit which he recommended. He must observe, however, that the hon. and learned gentleman was quite mistaken in attributing any disturbed temper to him, as he was in perfect good humour when he heard and remarked upon the speech of the hon. and learned gentleman. His interpretation of the hon. and learned gentleman's language was, he could confidently say, not at all attributable to temper, for that interpretation was the same as many others around him had made; therefore, he must conclude, that if the hon. and learned gentleman meant to speak respectfully of the royal family, he had very unhappily executed his purpose; and he hoped the hon. and learned gentleman would be rather more explicit in future. He could not help repeating his conception, that the hon. gentleman had spoken disrespectfully of two of the royal dukes.

Mr. *Brougham* denied that he had so spoken. He had never either said or meant any such thing; and the noble lord must have been dreaming, when he formed the conception which he had expressed.

Mr. *Douglas*, in allusion to the charges against those who opposed the grants demanded, of having shown disrespect to the royal family, contended, that more indignity was thrown upon the royal family by the pernicious advice of the noble lord and his colleagues, than they had suffered for centuries before. It was easy to discriminate who were the real friends of the royal family—those who would not allow the character of royalty itself to suffer in the country by exposing extravagant demands, or those who would diminish the public affection for royalty, by pressing for an unnecessary augmentation of the public burthens, under the specious pretence of maintaining the splendor of the royal family. Those who opposed the noble lord's propositions, were accused of being lukewarm to the succession to the throne, because they endeavoured to diminish and pare down extravagant sums, required from resources already exhausted. The best mode of perpetuating the succession to the throne was, by preserving the affections of the people, and by anxiously endeavouring to abstain from imposing unnecessary burthens and unnecessary duties. It was the promise of such a disposition that had created so strong an affection for the late princess Charlotte, an affection which manifested itself unequivocally in the universal lamentation for her death. But the language of ministers, with respect to the proposed marriages of the royal dukes, was as unbecoming as their conduct in pressing for an unnecessary increase of the public expenditure. The noble lord and his right honourable colleague, had indeed talked of those marriages as if they were mere Dutch contracts. What had occurred upon this occasion, through the independence of several of the respectable members of that House, had, he was glad to see, operated very much to attach the people to their representatives; but ministers deserved universal execration (and he could use no other word) for endeavouring thus to make the succession to the Crown a grievance to the people.

Mr. *Curwen* said, that the burthens of the country were so great, that nothing short of the utmost necessity could justify any addition to them. It was painful to find it necessary to exercise economy at the expense of the royal family, but such was the state of the country, that every shilling that could, with propriety, be saved, ought to be so. This was humiliating and distressing; but the displeasure of the House, of the country, and of the royal family, ought to fall upon the authors of this evil—upon those who, by their wars, their waste, and their extravagance, had ruined the resources of the nation. After full experience of the embarrassments of the country, economy was not practised. Up to this moment, economy had never yet been acted upon. The House had, in one instance, proved itself to be alive to the situation of the country, and he hoped it would continue to show that it was in earnest. If the individual for whom a provision was demanded had enjoyed no other income than what had been granted out of the consolidated fund, he (Mr. C.) might not have objected to the present vote. But he thought that the large sum which his royal highness received from Hanover, should be taken into consideration. Should that illustrious person be removed from the situation which he held in that kingdom, and should an application like the present be then made, he had no doubt that it would be successful. As the case now stood, he should vote against the motion. But although he felt it his duty to oppose the present motion, he should nevertheless be disposed, in the event of the marriage of his royal highness, to vote for the grant to his royal consort of a dower of 6,000*l.* a year.

Mr. *Wilberforce* said, that if it were admitted, and it could scarcely be denied, that some additional expense must be incurred in the establishment of any individual upon his marriage, he could not but think the present as moderate a sum as could be required on the marriage of the illustrious person alluded to. As to the revenue of the duke of Cambridge in Hanover he knew nothing of that revenue, and he thought that the House had nothing to do with Hanover. It was never, indeed, the habit of parliament to meddle in the concerns of Hanover, and he believed that we should rather lose than gain by any connexion with the affairs of that country. He did not wish to enter farther into this subject, but it could not fairly affect the question now before the House. Excluding, therefore, this subject from his consideration, he did think that an addition of 6,000*l.* ought to be given to the royal duke upon his marriage. With regard to the comments which had been made upon the terms in which the proposed marriages had been spoken of by his noble friend and others, those terms were in fact the natural effect of the act of George 3rd, which restricted the marriages of the royal family. It was, indeed, the inevitable result of the act alluded to, that royal marriages should be contracted in the way remarked upon. That act he did not think wise or salutary. It precluded the several branches of the royal family from entertaining the best feelings, and from forming connexions which would at once promote their happiness and guarantee their virtue. It seemed to imply, that they could be rendered better political characters by being worse men, which was one of the most mistaken notions, as well as the most immoral of public doctrines. For himself he must say, that he could not conceive why a British prince could be rendered more politically efficient by being less morally free, or that compelling him to marry a foreign princess, whom perhaps he never saw, was more wise than leaving him to select a wife in his native country according to his own inclinations. It was true, that any of the royal family, on coming to the age of 25, might form an attachment like other men, and declare his intention of marriage, and if no objection should be made for 12 months the marriage might be accomplished. But notwithstanding this power, the act operated most prejudicially to the happiness of the royal family, and to the interests of the country. For his part he should rejoice to see our princes married to English women, because he wished to have the successor to the throne always resident, and educated in England according to English principles and manners. As to the allusion made to the character of the princes, he agreed that we had no right to enter into the discussion of any man's private character. But yet it was impossible to suppress what we saw, and felt, and thought, and we had had a signal cause of contrast between the marriage of the heart, and a union according to the marriage act, he meant in the union of the princess Charlotte and prince Leopold. It was on this account

especially that the princess Charlotte and the excellent man of her choice, were so much endeared to the nation. On the same ground was placed the public esteem and attachment for the duke of Gloucester and his illustrious consort. The merits of the dukes of Kent and Sussex were also universally felt. In adverting to the character of those illustrious persons, he did not mean to make invidious allusions to others, of whose merit, indeed, he could not speak, as he did not know them. But the conduct of the dukes of Kent and Sussex in devoting their time, in rendering their rank and influence subservient to purposes of charity and instruction, was such as to conciliate universal praise. It were to be wished that other princes, especially on the continent, would imitate such illustrious examples. For such imitation would serve to diminish the glare generally attending royalty, and render it a genial light, cheering to all. Princes would thus contribute to their own best interests, by promoting the happiness, and consequently securing the gratitude and esteem of the people. On the whole, he thought that ministers had upon this occasion brought forward a very moderate demand, which the finances of the country could easily afford to meet, and so small a sum could not surely be withheld from the royal duke on his entering into a marriage which would be to his own honour, and to his country's advantage. There was a moderation and sobriety in the proposed grant, which equally consulted the state of the country, and the splendor of the Crown. His noble friend on a former occasion was to blame for having left out of view the finances of the country. But now he had no doubt the House would indulge a feeling natural to them by granting the sum required: 6,000*l.* was a sum nearer his idea of what was due to the splendor of the Crown, as well as more suited to the state of the country, than 10,000*l.* He was far from thinking that extravagant splendor increased the respect of the people; but the several branches of the royal family ought to live in comfort; they ought to be supported according to the rank they held in society. No extravagant expenses ought to be encouraged, but no parsimony ought to be imposed. They ought to have no invidious distinction from their mode of living. By a dignified and suitable style of living, they best consulted their own happiness, and the liberty, honour, and prosperity of the country. As necessary on these considerations, he should vote for the grant of 6,000*l.* to the duke of Cambridge.

Mr. *Brand* thought the House was bound to ascertain the state of our finances, before it assented to the present proposition. He agreed with the noble lord, that it was not becoming on our part to inquire into the external revenue of any of our princes, but he could not think the noble lord had made out a case to show that the royal duke, to whom the motion referred, had not sufficient means, from his revenues in this country, to maintain the proper splendor of his station, without any addition to the burthens of the people, and therefore he felt himself bound to vote for the amendment. The noble lord had contended, that the House ought not to inquire into the income of the royal duke in Hanover; he concurred with him in that, but the House ought to inquire whether the sum demanded was to be expended in England or in Hanover. He would, however, support a proposition for granting a jointure of 6,000*l.* a year to the duchess of Cambridge.

Mr. *Tierney* declared, that if he were to indulge his private feelings, he should promptly vote in favour of the present proposition, for he had the honour of knowing, and he most cordially regarded, the duke of Cambridge. But he apprehended that if he deserted his duty in one case, the House would not trust him in others. He had pledged himself on the side of economy, and he must follow up that course. In his opinion the noble lord had failed to make out the necessity of such a vote as that he proposed, and the whole question depended upon the necessity of the case. Their votes in that House ought to be measured, not by the distress of the royal dukes, but by their own; and their own distress compelled them to expend not one farthing more than was necessary. The noble lord and others professed to think that 6,000*l.* a year was a very moderate sum, if not insignificant, according to the state of our finances. Certainly this sum was insignificant according to the rate of our expenditure, but how it was to be regarded with relation to our finances, we were yet to learn. What was the state of our finances we could not as yet precisely tell. But appearances were by no means encouraging, and it was for the House to decide this question, not according to the alleged wants of the royal duke alluded to, but

according to those of the country. In speaking thus of a prince, compared to the people, he hoped the noble lord would not play off the same game with regard to him, that he had done against his hon. and learned friend; but he could not agree to the doctrine, that the revenue of the duke of Cambridge in Hanover should be excluded from consideration in this case; for, if the royal duke had an establishment in that country, fully sufficient to maintain the splendor of royalty, that, in his conception, formed a strong argument against the proposed grant; and he happened to know, from as good an authority as the noble lord himself, that such was the fact. It happened, indeed, to come to his knowledge, about two years ago, from the most authentic source, that the viceroy or chief governor of Hanover had all the means under his own control that could be required to supply his wants, or to maintain his dignity. There was, in fact, no civil list in Hanover to limit the wishes of the duke of Cambridge. His royal highness could, therefore, command whatever he desired. No fixed sum was allowed to him in that country, but all his expenditure was paid, and money was in addition put into his purse. He also knew, from authority as good as the noble lord's, that money was of much greater value in that country than here. It followed then, that any pecuniary grant which that House might vote, would only afford his royal highness additional means of accumulating a private fortune.—The noble lord had said, that the proposed marriage of the duke of Cambridge had no view whatever to any grant of money; and he felt himself warranted to add, that his royal highness did not press for that grant. The noble lord was, in fact, much more anxious to establish the principle of making a certain grant to each of the royal dukes, upon their marriage, than the duke of Cambridge was for the adoption of the present motion. If the duke of Cambridge were to return from Hanover, to reside in this country with his duchess, and to require this grant, he, with others, would be ready to vote for it. But his royal highness, who was the youngest branch of the royal family, was very likely to reside many years in Hanover; and he would ask the House, whether, under such circumstances, combined with the state of the country, it was willing to vote a sum of money not for the support of the splendor of royalty in England, but to enable an individual to accumulate a private fortune in another country? It was, besides, to be recollected, that the present allowance to the duke of Cambridge—namely, 18,000*l.* a year was, in Hanover, fully equivalent to 30,000*l.* a year in this country. Upon what ground then could it be argued that the House should not go into a consideration of those things, before it consented to saddle any additional burthen upon the country? And why was he to be called upon to taint his vote of last night by voting for the noble lord's motion? But notwithstanding all that he had urged, if the noble lord would say that the proposed marriage could not take place unless this grant were acceded to, he would immediately vote for it—if not, he felt that he must vote against it. He repeated his disposition to vote, if required, for a grant to the amount proposed, upon the return of his royal highness to England, and concluded with expressing his intention, as the prince had but a life interest in his revenue from that country, to support the grant of an adequate jointure to his duchess.

Mr. *Sharp* animadverted upon the improper advice which ministers had given to the Prince Regent on this occasion, namely to apply to the people in their present distressed situation for a grant of money, and to keep the necessity, which could alone justify that application, entirely and studiously out of view.

The *Chancellor of the Exchequer* felt it unnecessary to occupy the time of the House after the statements made by his noble friend. The income derived by the duke of Cambridge from Hanover ought to be entirely kept out of view, if it were known. But it was not known, and he had no means of giving information on the subject. He was, however, desirous of assuring the House, that the appointment of the duke of Cambridge abroad was any thing but a sinecure. The duties annexed to it were of a very laborious nature, and entitled the individual who discharged them to the full compensation that was provided. The royal duke was now about to contract a matrimonial alliance, not only with the approbation of the Crown, but with that of the House and of the country. He could not, therefore, imagine any occasion upon which the liberality of parliament could more properly be exercised; and he was sure that it could not be the wish of any hon.

member, that in order to justify the proposed grant, a previous message should be sent from the Crown, announcing that his royal highness had resigned the government of Hanover.

Mr. *Methuen* said, he did, in his conscience, believe, that the present case was brought forward, out of its turn, merely to make another, to which parliament had objected, which that House had marked with its disapprobation, go down more smoothly. The noble lord had charged an hon. and learned gentleman with entering into comparisons, which he deprecated. But the noble lord should have recollected that he had himself introduced the practice of making comparisons into that House last night most unfairly, by an allusion to the duke and duchess of Gloucester—names never brought before that House or the country, without exciting the highest respect, entitled as those illustrious individuals were to the esteem and admiration of all ranks of society for their virtuous and exemplary conduct. No trait was more praiseworthy in their character, than the honesty with which they paid their bills, instead of running in debt every where—a practice, which might be advantageously followed elsewhere.

Mr. *Plunkett* was anxious to trespass on the House for a few minutes, in order to state his sentiments on the subject under discussion. He felt it right to bear testimony to the justice of the observation of his hon. and learned friend, when he said that the noble lord had lumped these grants together. It was quite unnecessary to enter into general protestations of their love for the Protestant succession—of their desire to support the splendor of the royal family—since these were points that never could be indifferent either to the House or to the public.—He had listened to the statement of the noble lord with an earnest wish to hear some grounds on which to approve of this proposition; but he had heard none—and he could not in the conscientious discharge of his duty vote for it. The application of the noble lord rested on the abstract principle, independent of time or circumstances—that on the marriage of any individual connected with the Crown, his income should, of necessity, be increased. Where precedents were to be found for such a system, he knew not; and he was sure that nothing in reason or in justice could be discovered to sanction it. When the original grants were made to the royal dukes, he knew of no reference to celibacy—he understood that the provision was made for them, without any view to a single life—but leaving them free to marry or not to marry, as they pleased. If they married, and an additional grant was demanded, he had no way of judging of the propriety of acceding to it, but by looking to the situation of those illustrious personages, and, at the same time, taking into consideration the ability of the country. There was undoubtedly an ability to pay 6,000*l.*—but there was also an ability to pay 20,000*l.*—and the principle might be pushed to any extent. This was the only way in which he could place the noble lord's view of the question before the House; for it did not appear to be bounded by any definitive limit. But surely they could not throw out of their consideration the provision which any of these illustrious individuals might possess, independent of parliamentary grants, when they were called on to vote them larger incomes. If the due maintenance of the splendor of this illustrious individual was the reason advanced to the House for increasing his income, was it not just, before he conceded the boon, that he should consider his circumstances? Seeing that the royal duke in question had already a certain provision in this country, and an ample one abroad, which merely went to the accumulation of his income, and was not necessary for the proper support of his dignity, he did not think, in the present state of the country, that they would discharge their duty to their constituents if they agreed to the proposition of the noble lord.

Mr. *Protheroe* thought, that the chancellor of the exchequer had not, in his recommendation of this vote, sufficiently adverted to those difficulties of the country with which he must necessarily be well acquainted. He was far from being convinced by any thing that had fallen from him, that the motion deserved the approbation of the House, and he should therefore oppose it.

Sir. *W. Burroughs* called upon the noble lord to state whether or not the alliance of marriage between the duke of Cambridge and the princess of Hesse would depend on the grant? By that answer his vote would be regulated.

Lord *Castlereagh* said, he could not be supposed to be so acquainted with his

royal highness's circumstances, as to give the answer required. In the state of doubt in which the hon. and learned baronet confessedly stood, the safer course would be to give his vote in favour of the grant [a laugh].

The committee then divided:

For the Resolution.....	177
Against it.....	95
Majority ——	82

Lord Castlereagh then moved, "That a sum of 6,000*l.* per annum be settled upon her highness the princess of Hesse, when she shall become duchess of Cambridge, in case her highness should survive his Royal Highness the Duke of Cambridge, to be issuing and payable out of the consolidated fund of the United Kingdom of Great Britain and Ireland."—The motion being agreed to,

Lord *Castlereagh* said, he rose to do an act of justice towards an illustrious individual, and he trusted the House, in its wisdom and liberality, would concur in the motion he was about to bring forward. Whatever prejudice might be entertained against the illustrious individual to whom he alluded, he could conscientiously say, that he never knew a reasonable or fair man who denied to him the praise which was due to his honourable character. That illustrious individual had formed a matrimonial alliance, which he had certainly entered into with the complete consent and sanction of the Crown. He had never heard, since that marriage had taken place, that the conduct of the illustrious individuals who were united by it, had met with aught save the approbation of all who were the witnesses of their happiness. It was a most painful duty to call the attention of parliament to this subject; but he should feel that he shrank from his duty to that part of the royal family, if he refused to bring it forward. He was sorry to observe, that those who, on a former occasion opposed a similar proposition, were not willing at present to withdraw that opposition. He lamented that the House seemed to be impressed with a feeling, recollecting its former act, that it could not at present take favourable cognizance of this proposition, without proceeding in a manner derogatory to the consistency of parliament. He would not, therefore, press it, unless in the temper of the House he discovered more encouraging symptoms than he had previously observed. He would fairly state his own conscientious opinion on the case, which was, that the proposition was well worthy the favourable consideration of the House. He regretted, most sincerely, that parliament should make an exception to the general rule, in the case of this royal duke. He should, however, propose a grant of 6,000*l.* to the duke of Cumberland, which he conceived to be due to him in justice.—The noble lord then moved, "That his majesty be enabled to grant an additional yearly sum of money out of the consolidated fund of Great Britain and Ireland, not exceeding 6,000*l.* to commence from the 5th of April last, towards providing for the establishment of the duke and duchess of Cumberland."

Mr. *Brougham* observed, that from the manner in which the noble lord had opened the measure, it was evident he did not feel the least expectation of prevailing on the House to adopt it. For my part, (said Mr. Brougham) I shall oppose the grant to the duke of Cumberland on the same grounds precisely, and on no others, on which I opposed it when it was formerly under consideration. But if the noble lord should fail in carrying his proposition, I do hope that he will not be prevented from following it up by another resolution, granting a dower of 6,000*l.* to the duchess of Cumberland [Hear, hear!]. With that illustrious lady I have not the honour to be acquainted. Indeed, it is not necessary to enlarge on the propriety of her conduct since her arrival in this country, after the able speech which the House heard from a noble lord (earl Gower) last night. I shall, therefore, leave the strength of that impression to produce its due influence, believing, as I do, the conduct of that distinguished lady to be altogether unexceptionable. What may be the nature of the objections to her in any quarter, and the prepossessions against which she has had to contend, I shall neither stop nor stoop to inquire. It would be oppressive, illiberal, ungenerous, and unmanly here to give them any sanction [Hear, hear!].

Lord *Folkestone* expressed his hope, that parliament would assign dower to the duchess of Cumberland; with regard to whose character, he could say, of his own knowledge, that many of the prevailing prejudices were groundless. He had himself, in common with every other Englishman, who had visited the court of Berlin during her residence there, re-

ceived the greatest civilities and attention from her royal highness.

Lord *Castlereagh* said, he held in his hand a motion for the purpose that had been alluded to, and when the resolution then before the House was disposed of, he should propose it. He was extremely happy to find so much justice done to the character of this illustrious individual.

Mr. *Wrottesley* said, that as the question of the duke of Cumberland's claim had been mooted, and as the next proposition would relate to the dower to be granted to his illustrious consort, he could not conceive on what grounds, if her royal highness was entitled to this dower, the marriage which the royal duke had contracted should debar him from receiving that aid for the due support of his establishment, which was about to be granted to other branches of the royal family. It appeared to him to be falsely assumed, that parliament had declared their opinion so decidedly, that consistently with their duty, they could not depart from their determination. But he recollected, that different gentlemen had given different reasons for their opposition to the original motion. The hon. baronet (sir M. W. Ridley)* who first opposed the grant, declared that his opposition was grounded on the uncertainty which prevailed, as to whether the duke and duchess of Cumberland would reside in this country. This was the foundation of the votes of some gentlemen. There were others, he was sorry to say, who made it a personal question, and opposed the grant on the ground of morality.—This system he deprecated, because he conceived they had no right to canvass the private character of every individual who was brought before them. The conduct of the duke and duchess of Cumberland had proved that their marriage was one that could not be censured by the House. If amiable conduct in private life, if dignity of manners, if goodness of disposition, could endear to the people of England an individual brought amongst them from a foreign country, he knew not of any personage in elevated life who possessed those qualifications in a higher degree than the duchess of Cumberland [Hear, hear!]. Feeling that this House had not definitively decided the question—feeling that grounds quite new to them were brought forward—he thought it would be a most ungracious thing to his royal highness, to the duchess of Cumberland, and to the country from which she came, to oppose the grant now before the House.

Mr. *Forbes* said, he was surprised at the manner in which the noble lord had brought forward this proposition. He never heard a speech delivered by the noble lord with so much pain. For his part, if the House refused to vote the sum proposed to the duke of Cumberland, he would not be a party to insult the duchess by voting a dower to her, at the expense of her royal consort's character; and he sincerely hoped, if it was granted to her, that she would have the spirit to reject it. If she had the misfortune to lose her natural protector, under these circumstances, the country, he was sure, would not be backward in doing her justice. He entreated the House to reconsider the subject before they came to a decision. The hon. gentleman said, he had more opportunities than most men, of knowing the feelings of the country on this subject [Hear, hear!].—He would repeat it—and he called on gentlemen to rebut the fact if they could. He knew the feelings of the country were in favour of the measure, and, he asked, would the House object to the vote, and thereby offer an insult to those royal personages? Would they decide on the scandalous reports, which, he believed, were without any foundation whatever, that had been propagated against those illustrious individuals? He did not know those illustrious persons. He acted on public grounds alone; and doing so, he called on the House to consider the case well before they came to a vote—before they came to a division—for he should insist on dividing the House on this occasion—He despised any unpopularity that might attend his conduct; for he felt that he should be unworthy of a seat in that House if he compromised his conscience in order to please any party.

Lord *Castlereagh* professed himself sorry to have incurred the hon. gentleman's displeasure, but was disposed to return good for evil, and to acknowledge that he had heard with sincere pleasure the speech of the hon gentleman. He felt strongly that the hon. gentleman had supported the cause of justice, and he did not think that cause would suffer from his own manner of introducing it, as it had been the means of calling forth the manly

* See Vol. 31, p. 1024.

sentiments which the committee had just heard. At the same time, he must express his hope, that if the House should refuse the proposed grant to the duke of Cumberland, it would not withhold dower from the duchess. He was quite sure that the object nearest the heart of his royal highness was, to feel satisfied with respect to the future situation of his duchess. As to his own course of proceeding, in calling the attention of the House to this question, he must declare that he had never expressed any reluctance to go to a division upon it. He had fairly stated that he left it to the unbiassed opinion of the House, at the same time declaring that his own judgment coincided with the views of those who, like the hon. gentleman, thought the grant reasonable and just.

Sir *W. Scott* said, that the duchess of Cumberland had, during her residence in this country, discharged in the most exemplary manner the duties of her station. The question as to the settlement of a dower on her royal highness would, therefore, he was persuaded, be unanimously acceded to. With respect to the other part of the consideration, it would certainly poison the pleasure which her royal highness might otherwise feel at such a grant, if it were accompanied by any stigma on her royal consort. He, for one, could see no rational ground on which any honourable man could refuse to vote the proposed allowance to his royal highness. The only ground on which, on a former occasion, the House refused to make a provision for their royal highnesses was, that the opinion of parliament had not been taken on the marriage, and that the character of her royal highness was unknown to them. Now, however, her character was known, and by universal attestation approved. The House must, therefore, in his opinion, even with a view to consistency, give that now which they formerly withheld, as the cause which induced them to withhold it had been removed.

Mr. *Protheroe* did not think that their royal highnesses were indebted to the hon. gentleman opposite for the course he had adopted. It was very unfair to take advantage of the generous disposition of the House towards an unprotected foreigner, again to propose a grant which had been so recently rejected. If the House retracted the decision to which they formerly came on this subject, they would fill the country with disgust, and bring the character of parliament into contempt [Hear, hear!]. The arguments which had been urged on the former discussion of this question had been very unfairly stated. There had been great consistency of conduct in a very high quarter on this subject, and he trusted that it would be imitated by that House.

Mr. *Wrottesley* rose to explain. He commenced by observing, that, on the former occasion when this question was discussed, an hon. baronet, whom he then saw in his place, had expressly stated, that one of the chief objections to a grant to these illustrious personages was, the uncertainty whether they would continue to reside in this country. He had made an extract from the speech of the hon. baronet, which he then held in his hand. The words which he had used were these —"If they continue to reside in this country" [cries of Order, order!]. He fancied he had a right to state the grounds on which objections had been formerly raised.

The *Chairman* said, he believed the rule was, that no reference could be made to a former debate.

Mr. *Wrottesley*, notwithstanding this observation, was proceeding to read the extract, when cries of "order!" and "chair!" were renewed. The hon. gentleman attempted a third time to read the extract, but the cries of "order" and "chair" became so general, that he at last sat down.

Sir *Thomas Acland* warmly condemned those mis-judging friends of the illustrious personage in question, who, contrary to the conciliatory example of the noble lord, were anxious to press the motion to a division. Such conduct would go far to prevent the good effect of the suggestion of the hon. and learned gentleman, which he, (sir T. A.) had gladly hailed as affording the opportunity of terminating satisfactorily these unpleasant discussions. If this course were not prevented, the dignity and consistency of the House might be maintained, without so strong a mark of its severity, as by an absolute rejection of the vote; and they would have it in their power to perform, without any impropriety, and he trusted with entire unanimity, an act of healing kindness, and he would add of just acknowledgment, to her royal highness the duchess of Cumberland, of the conduct that had been witnessed on her part in this country. He

would put it to the hon. member opposite, whether that object could be so well attained, if an unfavourable division were suffered to intervene. With this view he would not be provoked to restate those unpleasant arguments against the grant, to the repetition of which that hon. member had so sedulously invited him. But he could not give up any of his former opinions. In perfect consistency with them, he would gladly vote the proposed dowry for her royal highness, but nothing should induce him, nor he believed could induce the House, to consent to grant the additional income proposed in approbation of the marriage; and he therefore would again express his hope, that the excellent path which had been chalked out for the House, would not be taken from them by the over-warmth of a few injudicious friends.

Lord *Stanley* said, he was not present when a former motion came before the House; but had he happened to have been there, he, from all that he had heard, must, on that occasion, have voted against the grant. He never could consent to the motion with regard to the duke of Cumberland, though he would allow the motion as affecting the duchess. He certainly felt deeply for the situation of her royal highness, but circumstances would not permit him to extend that feeling to the royal duke.

Mr. *F. Douglas* said, he had opposed the grant to the duke of Cambridge, but he would vote for the present, because it came before the House under very different circumstances. He had opposed the former, on the ground that the duke of Cambridge had no necessity for it—he would support the latter, because it was wanted to uphold the modest establishment of an illustrious individual—and he could not conceive any thing more degrading than to suffer one of their princes, as had been insinuated, to rely on the bounty of a foreign court. They had been told by his noble friend on a former evening, that there was an absolute necessity, as the illustrious personages depended on the charity of a foreign power. Was this worthy of the high honour and character of the British nation? It would, in his opinion, evince a great want of generosity and of manly feeling on the part of the House, not to put the duke of Cumberland on the same footing as his royal brother.

Mr. *Gurney* said, that as the House had thought proper to grant a sum to the duke of Cambridge, it would be the height of injustice to refuse the same to the duke of Cumberland. As an humble individual of that House, he must enter his protest against the unfair and uncandid manner in which the illustrious personages in question had been treated.

Mr. *Hammersley*, adverting to the correspondence which had taken place between the illustrious individuals previous to their marriage, and which he had had the opportunity of reading, observed, that he had never in his life been more strongly impressed with sentiments of respect than those which had been excited in him by that perusal; and although he was certainly not especially authorized to make any statement from it, he could not refrain from offering to the committee a few observations, to which it naturally gave rise. The correspondence began by a proposition for the marriage. The first letter was from the duchess, who stated that she could not consent to ——

Lord *Castlereagh* spoke to order. He conceived that the communication which the hon. gentleman was about to make to the committee, as it had not been authorized, was improper.

Mr. *Hammersley* said, he should be sorry to do any thing improper and contrary to order, but the character of our princes was of such importance to the country, that it was most desirable to remove any unfavourable and unfounded impression that might exist on the subject.

Lord *Castlereagh* observed, that the hon. gentleman had himself allowed that he was not authorized to make the statement which he had commenced.

Mr. Hammersley was again proceeding, when the chancellor of the exchequer spoke to order, and there being a general call of order, the hon. gentleman desisted, expressing at the same time his determination to support the grant.

Colonel *Burton* considered the grants in the previous cases had rendered it incumbent on the House to make a similar provision for the illustrious personage in the present instance.

Mr. *W. Elliott* declared, that no man could wish more cordially than he did—nay, he was persuaded it was the unanimous wish of the House—to see every branch of the royal family suitably provided. When he used the word "suitably," he meant according to the exigencies of the times. The House and

the people had a deep interest in the character and dignity of the royal family. But in the pursuance of these objects the committee were surely to consider a little the means and condition of the country. No one could deny that our finances were in a most embarrassed situation, produced no doubt by the long contest which we had so nobly and magnanimously waged, and in which the interests of the royal personages in question were as deeply involved as those of the people at large. He, for one, could not regret this contest even with all its results, protected as the country had been by it from much greater evils. With respect to the grant to his royal highness the duke of Clarence, being so near the throne, he conceived that his royal highness was justly entitled to the moderate provision which had been made for him. But the junior branches of the royal family were already liberally provided for. He had voted against the grant which had just been made to that illustrious individual the duke of Cambridge, who was a model for persons of his high rank, because his royal highness did not want it. He should, on the same ground, vote against the present proposition. Undoubtedly, there was another reason for his doing so, namely, that on the most mature consideration, parliament had before refused a similar claim. On that occasion he had not voted; but he candidly acknowledged, that had he been present he should unquestionably have opposed the proposed grant. He had heard nothing since that period, either in or out of the House, that at all altered his opinion, and he must say, that he did not think those persons exercised a sound discretion who thus brought his royal highness before parliament again. In the course which he took on this subject he was actuated by the most conscientious motives; for he was persuaded, that any little show which their royal highnesses might sacrifice by relinquishing this claim, would be amply compensated by the stable dignity that they would acquire. Convinced that the real interest of the royal personages in question, the character of the House, and the welfare of the country, would be best consulted by rejecting the proposition now submitted to the committee, he should certainly vote against it if it should be pressed to a division.

Mr. *Canning* observed, that some of the arguments which had been urged against the motion, would have been less inapplicable had the transactions in which it originated been matters of choice or caprice. But if the necessity of taking some steps, with a view to the continuance of the succession in the family at present on the throne, arose from a calamity which no power on earth could avert, it was hard to make it a matter of inculpation of his majesty's government that such steps had been taken. He could not help believing, that if the session had been allowed to pass without any steps having been taken by the executive government to supply the defect in the succession, they would have been charged on much better ground for having deserted their duty, than that on which they were at present charged for having performed it. He was at a loss to know on what principle the committee were called upon to reject the proposed motion. Not on the ground of character, for that was disclaimed. Not on the ground of seniority, for that was disclaimed by the vote of last night. He trusted the committee would recollect, that though adoption was not preference, exclusion would be stigma. He was not in the House when this proposition was last discussed, and he therefore could not weigh the influence which the recollection of that discussion might have on the consideration of the present question. But it was brought forward, at present, under circumstances of a very different kind. It was in the former instance a case of a marriage prompted by no public interest, coming alone, and unconnected with any general principle of alliance. But if the grant were now refused, it could be refused only on grounds personal towards the illustrious individual who was the object of it. But he begged the committee to observe, that his noble friend, in bringing forward the proposition, did show a marked deference to "the foregone conclusions" of the House. His noble friend expressly stated, that he entertained no determination to press the question to a division, unless he collected that the sense and feeling of the House ran in favour of the proposition. That call, conditional as it was, having been met in a manner beyond their expectation, he put it to the committee, if his noble friend would not be deeply responsible to the illustrious individual and to the House, if he and those who acted with him, shrunk from expressing by their votes that opinion, which they would not press to a division, were they not thus invited to do so.

It was on that principle, which left them no alternative, that they should proceed to the vote.

Sir *John Newport* contended, that as the House had negatived a proposition of the same kind three years ago, they were bound to reject it in the present instance. No change had taken place in the circumstances which could justify a departure from that precedent. Was there not the same distress in the country? Was not the demand for economy as loudly urged, and as necessary to be observed? To agree in this vote would be to pronounce a censure upon their past conduct, by retracting a decision to which they had deliberately come. He hoped they would have more regard for their own dignity and character. It had been said, that great exertions were made to obtain the former vote, if so, he was ignorant of it, and whether it was so or not, his consistency was not at all committed, not having voted on that occasion. But now that question was submitted again, he would add his vote against it, and even felt himself bound to do so, whatever his own opinion might be originally, in order to protect the consistency of the House.

Mr. *Bathurst* maintained, that the House was not bound by any former decision as to the course it should now adopt. The very admissions of the gentlemen who had spoken that evening in opposition to the grant had defeated the two principal grounds—first, as to character, and, secondly, as to the non-residence of the duke and duchess in England—which had induced the House to refuse the grant on a former occasion. The knowledge of her royal highness's character had corrected the erroneous impressions that had gone abroad respecting her. After the vote that had passed in favour of the duke of Cambridge, he put it to the liberality and justice of the House, whether this other branch of the royal family ought to be passed over?

Mr. *Wynn*, without going into general observations, thought it due to himself and to those with whom he voted against this question three years ago, to state the ground of his conduct. As to the doctrine, that in all cases of the marriage of younger branches of the royal family, they were entitled to an additional provision from the nation, he could not in any way agree to it, but thought that the allowances already made to them, in their single capacities, amply sufficient. But if the fact were otherwise, was the mouth of parliament to be stopped in the discussion of these questions? Were they to be addressed with such language as "Will you enter into the character of the royal family?" when it was obvious, that in the cases of these grants, that character was of the greatest importance towards the settling of the question? Upon such occasions, was advantage to be taken of that delicacy which every man felt when he was destined to hear of his own failings; and was it to be assumed, that all that was said in praise of individuals, was to pass current for truth, because no one had taken upon himself the invidious task of contradicting it? As to the allegation, that it was degrading for a prince of this country to receive benefits from a foreign power, and that what was allowed by Prussia ought not to be taken into consideration, he could not see any disgrace in the fact of a dowager princess of Prussia receiving a jointure from her own country. It would be so much in her favour if she chose at some future period to celebrate another marriage. There was another part of this subject to which he could not forbear alluding, namely, the departure from all precedent by his majesty's ministers upon the marriage in question. No other marriage had taken place on which they had not called on the House to congratulate the throne; but upon that occasion they felt that there was no ground for doing so. Nay, further, could it be denied that the marriage of the duke of Cambridge with the same princess had been broken off expressly at the desire of his majesty? A noble friend near him had suggested another topic—a female of the highest rank in this country had testified her objection to the match by refusing to receive the lady in her presence. It was on these grounds that the former decision of the House was one that gave satisfaction to the feelings and morals of the country; and whatever had since been the conduct of the lady to whom he alluded, the best panegyric that could be pronounced on her was, that nothing further whatever had been heard of her. But this was not an alliance which called for a vote of increased allowance, and he felt it was one on which the House could not congratulate the country.

Mr. *E. J. Littleton* contended, that there had been nothing like consistency in the arguments which had been used in opposition to this grant. It had been

once said, that the income of the royal dukes should not be increased, because it was probable that they would leave this country and spend their fortunes in another, but now this argument was done away with, for all the royal dukes intended to remain at home. Objections were next made to the marriage itself, but he had heard from some members on the same side congratulations upon that marriage. He could not avoid stating, that some remarks which had been made on the duchess were most honourable to her, and he believed that the more the conduct of her royal highness was inquired into, the more fair and honourable it would appear. He had with regret heard some insinuations thrown out against the conduct of the illustrious duke, and these were made as a sort of ground for opposing the grant. To these insinuations he should say no more than that no one had the manliness to avow them, and he declared upon his honour that he believed them to be wholly without foundation.

The Committee then divided:

For the Grant..... 136
Against it..... 143
Majority —— 7

The motion was consequently lost. Loud cheering took place in the House when the result of the division was known. Lord Castlereagh then moved, "That a sum of 6,000*l.* per annum be settled upon her Royal Highness the Duchess of Cumberland, in case her Royal Highness should survive his Royal Highness the Duke of Cumberland, to be issuing and payable out of the consolidated fund of the united kingdom of Great Britain and Ireland."

Mr. *Forbes* observed, that an hon. and learned gentleman had, in his opinion, acted inconsistently in voting against the proposed allowance to the duke of Cumberland. In opposing the grant to the duke of Cambridge, that hon. and learned gentleman had pledged himself, in case the measure was carried against him, to support a similar grant to the duke of Cumberland.

Mr. *Brougham* begged the hon. member would restate the charge he had made against him, as, from the indistinct manner in which it was expressed, or from the noise in the House, he could not collect its force or import.

Mr. *Forbes* replied, that he understood the hon. and learned gentleman to say, that in the event of the House agreeing to an additional provision for the duke of Cambridge, he would support a similar provision for the duke of Cumberland.

Mr. *Brougham* said:—Sir; I cannot conceive how the hon. gentleman, whose understanding on other occasions is so sound and solid, should have so far misapprehended my meaning as to draw from my speech an inconsistency with my vote. I can scarcely conceive how his misapprehension could have arisen. In the latter case I added my vote to the sense of the House, but I did not contradict by it the principle which I laid down, as I voted against the allowances in both cases [Hear! from Mr. Croker.] The hon. secretary to the Admiralty, whose understanding is as acute as that of the other hon. gentleman is solid [a laugh] cheers me on this occasion, and joins the other hon. gentleman in the charge. He would be glad to catch me in an inconsistency, and already begins to triumph in the idea that he has succeeded. If the hon. secretary has any charges against my conduct, I should be glad that he would state them openly and manfully, in a way that I can answer them. I entreat him to bring his accusations forward, in a public and undisguised manner, to meet me face to face, and not to have recourse to other methods of attack, which I have no opportunity of repelling. Instead of assailing my character or my consistency in an underhand manner; instead of watching my conduct to expose it where I cannot defend myself; let him fairly and manfully advance his charges in this House, where I can overwhelm them with instant confusion [Hear, hear!]. I never pledged myself to support the grant to the duke of Cumberland, if the proposed allowance to the duke of Cambridge met with the concurrence of the committee. Such a charge against me is totally unfounded. My argument was, that those who supported the latter, if all personal grounds were left out of the question, could not consistently vote for any additional grant to the former; and in following my own principle, I acted consistently in voting against both resolutions. I will appeal to the understanding of the House, though I will make no appeal to that of the hon. secretary, if such was not my reasoning and my conduct; and I will ask them, if there is here the shadow of inconsistency? As I left out of view all regard to personal qualities, I could make no distinction between the

two cases; and as on public grounds I voted against the allowance to one of the royal dukes, on the same grounds I voted against any grant to the other. The resolution now before the House is totally unconnected with either, and has my cordial support.

Mr. *Croker* said:—I trust that after what has passed, the House will indulge me for a moment. Sir, in the sort of seeming approbation of what was said, to which the hon. member has alluded, I meant nothing personally offensive, for, I confess, I did understand by his speech something like that which was alluded to. The hon. member says, that this is not the first time I have endeavoured to catch him in a personal inconsistency, but that he defies me to the task here, or elsewhere. Sir, if I were disposed to look out for the inconsistencies of the hon. gentleman, I should not have far to go. I should find them frequently in his arguments, and some of them might be easily adduced in other matters; but if the hon. member imagines that I could think it worth my while to look for his inconsistencies, or to notice his movements, either now, or heretofore or hereafter, in any other manner than in the way of my parliamentary duty, I can assure him that he is most egregiously mistaken. The hon. member has alluded to my taking other means than public ones to detect his inconsistency. This I must say is unfounded; for I solemnly declare, that in any writing to which I have affixed my name, or in any to which I may not have done so, I never, to the best of my recollection and belief, did mention the hon. member's name, or endeavour to point out his inconsistencies. If then, the hon. member insinuates, that I have here and in private sought to catch him in personal inconsistencies, I must, in justice to myself, reply, that the insinuation is false [Hear, hear! and cries of order!].

Mr. *Brougham* appealed to the chairman whether this was parliamentary language? He alluded to the charge of falsehood.

Mr. *Croker* explained, that he meant to say the insinuation was unfounded, and he meant the answer to be conveyed in the same manner and spirit as that in which the insinuation was made.

Mr. Brougham gave a bow of satisfaction. An hon. member said he hoped the matter would proceed no farther. Another answered, "Certainly not: the learned gentleman is satisfied." The resolution was then agreed to.

On the bringing up the report of the grant to the Duke of Clarence,

Lord *Castlereagh* observed, that as his royal highness had declined accepting the sum which had been voted to him, it would be the better plan to withdraw it altogether.

Mr. *Tierney* wished, that if it were withdrawn, the reasons for it should be entered upon the Journals, otherwise it would not be dealing fairly with the House or the royal duke. It would appear hereafter that a grant of 6,000*l.* a year had been made to the illustrious duke in a committee, and that it had afterwards been refused by the House. This would appear extremely strange indeed, unless the reasons for it were assigned. The noble lord had read a written paper, as part of his speech, which no doubt he had done to prevent misconception. Now, that might be considered as a sort of official document, and if it were entered upon the Journals, it would fully state the reason why the grant was withdrawn. A precedent for such an entry existed in the case of a communication made from the Prince Regent, when prince of Wales, by his secretary, respecting the deficiencies of the revenue of Cornwall, which was entered upon the Journals of the House.

Lord *Castlereagh* suggested, that all inconvenience would be avoided by agreeing to the resolution, upon an understanding that no bill should be brought in upon it.

After some farther observations from Mr. M. A. Taylor and Mr. W. Smith, the suggestion of lord Castlereagh was adopted, and the House agreed to the Resolution.

HOUSE OF COMMONS.

Friday, April 17.

Copy Right Bill—Petition of Messrs. Rodwell and Martin.]—Mr. *Lambton* rose to present a Petition, to which, from the importance of the subject, he earnestly invited the attention of the House. He was the more anxious that the statement contained in the petition should be distinctly understod, as the great question on the subject stood for discussion this evening. The petitioners were Messrs. Rodwell and Martin, eminent booksellers in Bond-street. They complained of the grievous operation of

the Copyright act as affecting their trade and property. As the law now stood, they were bound to furnish to certain public bodies eleven copies of every new work they published, no matter what was its nature, and the amount of its expense. The petitioners, among other injuries received from this impolitic regulation, stated some particular instances, to show the extent of the demands made upon them under the act. They had lately published a work, called "Views in Italy," with plates, and the copies they were obliged to deliver amounted to 70*l.* in value. The expense of the copies they must furnish of a work called "Antiquities of Greece," with drawings of Athens, would amount to 300*l.* The value of this work was so well appreciated that the author was offered permission to publish it in France, free of the duties on works sent from another country, if he would send the work there. In the one country an encouragement by the remission of heavy duties was held out, but in the other, a grievous and oppressive tax was imposed upon publishers for the benefit of bodies who had ample funds for the purchase of any works they required.

The Petition of John Rodwell and John Martin, of Bond-street, London, booksellers, publishers, and co-partners, was then brought up and read; setting forth,

"That the petitioners are booksellers and publishers, and frequently purchase the copyright of various works at a considerable price; and that, in common with all other publishers, they have severely felt the burthen of an act of parliament passed in the 54th year of his present majesty, compelling the gratuitous delivery of every new publication to various public institutions, amounting in the whole to eleven copies, in addition to one which, by another act of parliament, is required to be deposited with the printer of the work; that the compliance with such requisition has in many instances occasioned great positive loss to the petitioners, being, in the case of one work recently published by them, and intituled, "Views in Italy," not less than the sum of 70*l.*, and in the publication of another work, by sir William Gell and J. P. Gandy, architects, to describe and illustrate the ruins of Pompeii, amounting to the sum of 50*l.*, and making, upon the whole, a very serious annual drawback from the fair profits of the petitioners' trade; that the loss occasioned by such compulsory supply must necessarily fall either upon the publisher or author of every work; in the former case it is an exclusive, and (as can be proved) a very burthensome tax upon the profits of the petitioners' particular branch of trade, in addition to those which they already bear in common with their fellow subjects, and besides the tax upon paper and the duty on advertisements, whereby their business is greatly affected, and upon which a very considerable revenue accrues to the country; but, where it falls upon the author of a work, it becomes a severe tax upon the produce of intellectual exertion, and to the extent of its operation its tendency must be to restrain the advancement of literature and impede the progress of knowledge, in fact, such can be proved to have been already its actual effects and consequences in several instances, it having been the sole cause of preventing the publication of many interesting and valuable works, that would have proved beneficial to literature and honourable to our age and country; that the petitioners have recently agreed with Edward Dodwell, esq. for the purchase of drawings and designs, with observations and remarks, illustrating the antiquities of Athens and ancient Greece, which that gentleman has made and collected at a very great expense during a long residence in Turkey, and with the assistance of the most eminent artists; that the cost of purchasing and the expense of publishing such a work are so great, that the eleven copies required by the act to be supplied will be an absolute charge upon the petitioners of nearly 300*l.* independent of such gratuitous supply diminishing the number of those who might reasonably be expected to become purchasers; the petitioners are in fact hesitating between the prudence of incurring such an expense, or the alternative of publishing these splendid engravings unaccompanied by the letter-press that should explain and illustrate them; the petitioners will no further observe upon the interest and importance of this work, in a national point of view, than by remarking, that such was the opinion of the French government as to its merits and value, that the very heavy duty legally payable thereon, upon its entrance into their territory, was ordered to be remitted to Mr. Dodwell, who was pressed to publish the same in Paris, under the sanction of government, upon very ad-

vantageous terms, and free from the burthensome claim of any national institutions upon the profits of his labour or talent; the petitioners, therefore, most respectfully pray the House to take the foregoing facts into their gracious consideration, and to grant such relief in the premises to the petitioners, and publishers in general, as to their wisdom shall seem fit; but, if it should be deemed beneficial to the interests of literature that certain institutions should be made depositaries of every publication of merit, the petitioners humbly submit it to the consideration of the House, that it would, in every point of view, be fair and reasonable that such public bodies should be required to pay a moiety of the price of those books it may be desirable for them to possess, which would be a considerable relief to the petitioners, and to others of the same trade, and but a trifling object of expense to the respective institutions; it would moreover render them more discriminative and less vexatious than they have been in their requisition of books, by limiting their demand to such alone as had merit or usefulness to recommend them, and would prevent the abuse, destruction, and improper disposal of them, which it can be shown too frequently takes place under the present system."

On the question, that the petition do lie on the table,

Mr. *Plunkett* observed, that the House should consider what the petitioners had stated, with respect to the sums which would be lost to them, by the eleven copies. They stated, that by one work they should lose 70*l.* and by another 300*l.*, but the House should bear in mind, that though that might be the price at which the works might sell, yet it could not be supposed that they stood the publishers the same sum. It did not appear that they would lose so many customers, by giving away the eleven copies, for it did not follow, that if they were not so given away they would be purchased. He thought it right to state this to the House that it should not be led away by an erroneous idea of the loss which was complained of.

Mr. *Lambton* said, he could not state the mode of calculation adopted, but it was quite clear that, when the publisher was called upon to give gratuitously eleven copies of each work he published, to the value of these eleven copies, be it 70*l.* or 300*l.* he was most unjustifiably injured—the money was clearly lost to him of such copies as, by disposing of in the usual course of trade, he might derive a profit from.

Sir *Egerton Brydges* thought the right hon. and learned gentleman could not be serious in the distinction he had attempted to draw between the first cost, and the sale price. The losses were as great, he could assure that right hon. gentleman, as the principle on which they were taken was unfair and oppressive. At any calculation it must be obvious that the author and the publisher must be greatly injured.

Mr. *Plunkett* was at a loss to understand the meaning of the hon. baronet's remark. He could not conceive how any greater loss could be occasioned by the giving away eleven copies, than the value of those copies.

Sir *E. Brydges* said, that the loss could be exactly explained. Suppose a bookseller intended to print 250 copies of a work for sale, he would be obliged to print eleven copies more, in order to send them to the universities. Now, by a regulation of the trade, the printing of those eleven additional copies would cost as much as if 250 copies more had been printed.

Mr. *Plunkett* remarked, that this loss, if any, was caused by an arbitrary law among the booksellers themselves, and if they consented to such a law they ought to abide by the loss it occasioned. It was for them to repeal this regulation, and not to call upon the House to repeal a law of long standing and useful operation.

Sir *E. Brydges* replied, that the publishers had nothing to do with the rule, which, in point of fact, belonged to the printers, and until the legislature adopted a rule to control and alter the existing rates of wages, the arrangement complained of must be acted upon.

Lord *Althorp* was clearly of opinion, that the publishers were harshly used by this law. As to the quantum of the injury it mattered little—it was still oppressive, and universally so from the extent of its operation. With respect to the right hon. and learned gentleman's observation on the mode of calculating the evil, surely, if a farmer was obliged to give away a bushel of wheat which he could sell at a certain sum, the loss he would sustain would not merely be what the bushel had cost himself, but the price at which he might sell it.

The Petition was ordered to lie on the table, and to be printed. On the order of the day for the second reading of the Copy-right Bill,

Mr. *Wynn* said, he would take that opportunity of recommending that the subject should be referred to a select committee up stairs, who could resort to all the practical information which some gentlemen appeared to wish for. This would greatly facilitate the general discussion on the merits of the question before the House.

Mr. *Croker* thought this would be the better course. He had no objection to the second reading of the bill, but on this condition, that no gentleman who held the opinion which he did on the subject, should be understood as compromising that opinion, in allowing the second reading without opposition, or in agreeing to the committee up stairs.

Sir *Egerton Brydges* had not the least objection to refer the matter at issue to a committee up stairs, and on this understanding he would consent to take the second reading in the manner it was proposed to him. He would therefore move, that the bill be read a second time.

Mr. *Plunkett* would not interfere with that which seemed to be the understanding of the House. As the representative of one of the universities, whose rights were to be affected by the bill, he would put in his protest against it. The subject was one entitled to serious attention, and it was not generally understood, or else the difference of opinion which prevailed would not be so wide on the occasion. It might be right to state, that previous to the act of 1802, Ireland was unaffected by the act of Anne which prevailed here, and the Irish publisher was at perfect liberty to reprint any books which were published in England, without incurring any penalty for a piratical invasion of the author's privileges. So extensive was this trade of reprinting carried on at the time to which he alluded, that most of the literature of England found its way to the United States of America, through the medium of the printers in Ireland. When the alteration took place after the Union, this most valuable trade, which had been profitably exercised, was given up. And, were the provisions then entered into to be now repealed, without the parties standing in *statu quo*, after the manner of their respective relations, when the present measure was enacted? He was sure the English booksellers would not take the repeal on the terms of reverting to the former plan: they knew their interest much better. To repeal this act in the manner proposed, would at once be to commit an act of national injustice towards Ireland, who, before the Union, might print from English copies as the publishers here do from those of France or any other country, without incurring any penalty for so copying.

Mr. *Peel* willingly acquiesced in the matter being sent to a committee up stairs, though he begged to record his objection to the principle of the bill, and to express his determination to oppose the bill in every stage. He would suggest, however, the propriety of postponing the second reading of the bill for a fortnight, in order to enable the committee up stairs to sit first. Nothing would be lost by this course, as the second reading being now only taken *pro formâ*, did not advance the progress of the bill.

Dr. *Phillimore* approved of sending the matter to a committee up stairs.

Mr. *Wynn* observed, that in point of form the proper time for having a committee up stairs would be between the second reading of the bill and its committal in the House. He looked forward to some arrangement through the medium of the committee up stairs, by which the great injury suffered by publishers might be considerably obviated without trenching on the privileges of the universities and other public bodies. One half the books taken from publishers were of no use to the bodies receiving them, though the loss was still suffered by those who had to furnish them. As to the former act in Ireland, there were no greater sufferers by it than the enlightened natives of that country, who had contributed their portion to the literature of this side of the water; for instance, what must Mr. Burke, Dr. Goldsmith, and many of the chief ornaments of our literature, have suffered from the practice of reprinting among their own countrymen, from English editions. He was sure that an arrangement of an equitable nature might be come to.

Lord *Palmerston* said, he was one of those who contended against the whole principle of the bill, and could not admit it under any qualification. As it could be no inconvenience to postpone the second reading, he thought it would be the better course to send the subject at once to a committee up stairs.

Sir *J. Newport* said, that previously to the act of union it was no piracy to reprint in Ireland books that had been originally printed in England, any more than it would be in an English bookseller to reprint in England, works that had been originally printed in France.

Sir *W. Scott* thought there was not much difference in the two modes of proceeding. The only objection to the appointment of a committee was, lest it should occupy too much time, which, however, he hoped, would not be the case.

Mr. *J. H. Smyth* said, that the clause proposed to be inserted against the copies due to certain public bodies, was only a repetition of one that had been inserted three years ago in a similar bill, and had then been negatived. He thought the second reading should be postponed till after the report of the committee.

Lord *Castlereagh* expressed his hope, that the hon. baronet would consent to postpone the second reading of the bill, which seemed to be the wish of the House.

Sir *E. Brydges* replied, that on the subject of referring the matter to a committee up stairs, he would be happy to comply with the sense of the House; but as to the postponement of the second reading, he could not consent to it, after the arguments with which the discussion had been anticipated, for the purpose of prejudicing the general question. He could not accede to it, unless it should be imposed upon him by the general expression of the House. A right hon. and learned gentleman had said the subject was but little understood, and had expressed a wish to be communicative on the real bearings of the question. Now he fully agreed with him, that it never had been sufficiently understood; but he differed with him in his conclusion; for he thought that the moment the subject was understood, that instant the existence of the evil would be admitted, and a remedy forthwith applied to the grievance.

Sir *S. Romilly* could not conceive what objection there could be to the course proposed by the hon. baronet. Nothing was more common, than that a bill should be read a second time *pro formâ*, and for members to reserve their opinions as to the principle of it, till the question for the Speaker leaving the chair. He approved of the principle of the bill, considering the existing system a heavy tax on literature.

Mr. *J. P. Grant* expressed his determination to oppose the bill, when the proper time for discussion arrived.

Mr. *Peel* thought the second reading might take place now, on a distinct understanding, that it should not be inferred that the principle of the bill was agreed to.

The bill was then read a second time, and ordered to be committed on the 27th. Mr. Wynn gave notice, that on Monday he would move for a select committee to consider the Copy-right acts.

Petition of Mr. Gibbons, complaining of certain Proceedings at Cape Breton.] Mr. *Bennet* said, he held in his hand a petition, to which he begged to call the most serious attention of the House. It was from a respectable gentleman, Mr. Gibbons, a colonist and settler at the island of Cape Breton, and who had acted for some time as attorney-general of that island. The petitioner complained most seriously of the grossly improper conduct of the governor of that island; and also of that of the chief justice. He stated, that he, as well as several of the settlers in that colony, had been forcibly dispossessed of their property by the arbitrary authority of the governor, aided by the decisions of the chief justice. If the statements of the petitioner were true, he was certain the House would concur with him in thinking, that neither of these personages were fit for the situations which they held. The charges made against the governor were of the most aggravated nature, and deserved the most minute inquiry. The first charge was, that the petitioner, as well as some other individuals, had been forcibly dispossessed of property which they had long and lawfully possessed, and that this had been done by the arbitrary fiat of the governor and council, without any right or legal authority whatever. On the pretence of orders received from the British government, they had been guilty of the most wanton and arbitrary acts, levying taxes on their own authority, and dispossessing individuals of their property. The sham proceedings got up by the chief justice, to second the views of the governor, were most discreditable to that individual. The governor of this island was that governor Ainslie, of whom the House had already heard so much, and who, after the most atrocious conduct in the island of Dominique, had been placed by his majesty's ministers in the situation which he

now filled. Governor Ainslie's conduct in the island of Cape Breton did not indeed equal his conduct in the island of Dominique—he had indeed been guilty of but a small part of the enormous act committed by him in Dominique—he had not decorated the coast of Cape Breton with human heads as he had done that of Dominique. But though he had not been guilty of these enormities, he had nevertheless conducted himself in the most inhuman manner. He did not mean to introduce his private moral character, and the excellent example he sat to the colonists, but he should state what had been his public conduct. It was alleged against him, that on several occasions he had made it a practice, when persons came to him for redress, to seize them by the collar, and absolutely kick them down the stairs—[Hear, hear! and a laugh].—However ridiculous this might appear, it was nevertheless true; and he was in a situation to prove it. It could also be proved, that on one occasion he challenged an officer, and offered to go to Newfoundland for the purpose of fighting. Of the conduct of the chief justice he should say nothing more at that time, than that his private conduct set an equally good moral example to the colonists with that of the governor; he should however, take an opportunity of bringing the matter before the House at a proper time, and should move for the papers and other documents connected with the transactions complained of, which, he trusted, would not be refused. He then moved, that the Petition be read.

Mr. *Goulbourn* thought, if any man had heard the question put by the hon. gentleman to him the other night, he would have been as astonished as he himself was at what he had just heard. The hon. gentleman had asked, whether government had not an intention of establishing a separate legislature for the island of Cape Breton; and if they had, what was the description of that legislature, as he was anxious for information on that subject, on account of a petition connected with that subject, which had been put into his hands? He, therefore, put it to the House, if, from the question of the hon. gentleman with respect to a separate legislature, he could have been prepared to expect a crimination of the governor and chief justice of Cape Breton? It was impossible for him, therefore, to answer the charges made by the hon. gentleman in any other than such a general manner as could neither be satisfactory to the House nor to himself. Another extraordinary circumstance in the speech of the hon. gentleman was, that having announced his intention to move for papers, being ignorant whether those papers would be conceded or refused, and possessing no other information than that which he had received from the individual from whom he presented the petition, he had come down and made a charge of a most fearful nature against two individuals in high situations. He had heard of Mr. Gibbons's complaints, but he was not aware that Mr. Gibbons had ever made any complaint against governor Ainslie. He knew of his complaints against his predecessors, but he knew of none against governor Ainslie. If that gentleman was desirous of attaining his ends, he ought to have brought his complaint in the first instance, before the proper tribunal. As to the alleged conduct of the chief justice, there was one circumstance which deserved to be mentioned. The petitioner had complained of certain duties imposed by the local authorities, and these were subsequently declared invalid by the chief justice, who, in that instance at least, showed no inclination to court the favour of the governor, with whose concurrence the regulations were entered into. He certainly complained of this mode of proceeding, where the parties accused could not possibly reply.

The Petition of Richard Gibbons, of Sidney, in the island of Cape Breton, esq. was then read; setting forth,

"That the Petitioner is possessed, in fee simple, of several tracts of land in the island of Cape Breton, some of which he holds in his own and some in right of his wife, under grants from the crown to the original grantees; that the petitioner begs leave most respectfully to state to the House, that without previous notice, or his consent and concurrence having been obtained, or the slightest indemnification offered, he has been arbitrarily and illegally disseized of part of his said lands, in virtue of orders made by the colonial council of that island, who have not only thus assumed the greatest legislative power, but have oppressively invaded the highest and most sacred property of the subject, and also at the same time, as a concurrent consequence, have arrogated to themselves the alarming judicial one of

revoking, by their own authority, the king's grants, solemnly made under the great seal; that, at the time of issuing those orders, affecting the rights, liberties, and properties of the subject, that have been sanctioned and acted upon under major general Swayne, colonel Fitzherbert, and lieutenant governor Ainslie, no legal colonial council actually existed, of the number and qualifications required by his majesty's commission and instructions to the governor in chief of Cape Breton, which explicitly and positively forbid the augmentation or diminution of that body, as specifically therein constituted; and, with all due deference, the petitioner is induced to believe the disobedience of that regulation has, in a great degree, facilitated the exercise of those acts of injustice, of which he complains; that he most humbly conceives, that from the period when his majesty was pleased to require a provincial general assembly to be convened, for the purpose of making local laws, statutes, and ordinances, in that island, no legislative power could be exercised by the governor and colonial council, unless assembled in general assembly, and the taxation of real and personal property that has been and is still inforced under this authority, is not merely a violation of that constitutional law clearly defined and solemnly declared on many occasions in the British courts, but is in direct contravention of his majesty's instructions to the governors of that colony; that the petitioner begs permission to add, that major general Swayne, while exercising the government in Cape Breton, by his own authority, directed what he was pleased to term a military road to be opened through the most valuable part of the petitioner's land: and with such arbitrary violence was this order carried into effect, that his aide-de-camp ordered the fences and inclosures thereon (if found in the way) to be thrown down, burnt, and destroyed; that the petitioner received from major general Swayne no previous intimation of his intended invasion and seizure of his property, or offer of the smallest compensation; neither has the petitioner, or any other person having lawful authority, directly or indirectly, given the most distant sanction to this measure of unnecessary and unjustifiable aggression; that he has also to complain to the House of acts of similar violence, supported and countenanced by lieutenant governor Ainslie, that have been recently perpetrated on other lands belonging to the petitioner, and on which he now resides; that he presumes respectfully to represent to the House, that he should have sought redress for those, and many other injuries he has sustained in his personal property and reputation, by an appeal to the supreme and only court of judicature in Cape Breton, empowered to hear and determine such causes of action, but for the following reasons, which he confidently trusts will be deemed by the House conclusive and satisfactory; first, that the hon. Archibald Charles Dodd, chief justice and only judge in the supreme court, and president of the colonial council, from partial and interested motives, did, with very few exceptions, suggest, prepare, and procure to be passed, all those orders that more immediately militate against the constitutional laws of England, and the liberties and properties of the subject, as pledged and secured to the colony by his majesty; secondly, that although in an action commenced by the collector of the provincial revenue, against the son-in-law of the said chief justice, for money due under an ordinance he had very recently advised major general Swayne to revive (notwithstanding it had been previously voted by the council unlawful and oppressive), he, in November term 1816, adjudged this order (as being a tax) not binding on the people, but soon discovering this decision had given great dissatisfaction to lieutenant governor Ainslie, he shortly after advised the magistrates to enforce other ordinances, imposing a general tax upon the inhabitants by compulsive means, but refused himself to comply when required by the proper officer; however, a few days after that refusal, he again, publicly in open court, announced the legality of those orders, and in his ardent zeal to please, in March term 1817, went so far as to stigmatize those who doubted their validity as evil disposed or disaffected persons; thirdly, that the said chief justice has assumed to himself the arbitrary, unconstitutional, partial, and dangerous discretionary authority, of extra-judicially refusing to allow any person the necessary privilege of commencing or instituting any action in the supreme court, until his permission was first solicited and obtained, and the petitioner was accordingly refused, not having sued for such permission; the petitioner feels he should have been guilty

of a dereliction and serious violation of duty to himself and others, could he even for a moment have supposed such permission would not have been withheld from him, to have submitted to, and sanctioned, this tyrannical assumption of unauthorized power, as he humbly conceives the said chief justice had no option to refuse or grant this inherent and immutable right to the meanest subject of the realm; and the petitioner begs leave to add, that it appears to him this doctrine is subversive of the constitution, and against all manner of forms, principles, practices and rules of law, equity, and justice, as rendering the tenure on which the security of our persons, properties, and reputations, are held, uncertain, and solely at the discretion and capricious will and pleasure of one man; that the petitioner, thus deprived of his birth-right, and stripped of his property and privileges as a British subject, appealed to lieutenant governor Ainslie, his majesty's representative in that island, for justice, protection, and support, but this he was pleased peremptorily to refuse, unless as the lieutenant governor informed the petitioner, lord Bathurst, to whom he had referred the petitioner's complaint, should determine that the petitioner might be permitted to enjoy and receive the protection of the laws of his country; and the petitioner humbly and respectfully implores that the House will be pleased to direct that an early inquiry be made, and restore and secure to him those rights, of which he has been so unjustly deprived, and grant to him such further relief in the premises, as to the wisdom and justice of the House shall seem meet."

Ordered to lie on the table, and to be printed.

PRINCE REGENT'S MESSAGE RESPECTING THE MARRIAGES OF THE ROYAL DUKES.] The report of the Committee on the Prince Regent's Message was brought up. On the motion for the second reading of the Resolution for an additional grant of 6,000*l.* a year to the duke of Cambridge, Mr. Lambton said, he had intended to make some observations on the subject of the grants to the Royal Dukes, but he would not press them on the House. The resolution was then agreed to.

Earl *Gower* said, he had every reason to believe that it would give satisfaction to the House to know, that her royal highness the duchess of Cumberland had determined to accept the provision which the House had been pleased to make for her. The first impression on the mind of her royal highness was, that although it was impossible for her not to feel a grateful sense of the kindness of the House, yet from delicacy she ought not to accept of the provision, lest, by concurring in any measure of that nature, she might appear to be separating her own interests from those of her royal consort. But as it was the anxious desire of his royal highness the duke of Cumberland that, whatever might happen to him, her royal highness should be amply provided for, she had made to the wish of the duke a sacrifice of that feeling to which he had alluded. Her royal highness, while she had the highest sense of the kindness of the House, hoped and trusted that she might never become a burthen on a people by whom she had been treated with so much generosity.

Lord *Castlereagh* said, he had to confirm the explanation just given of the views of her royal highness the duchess of Cumberland on the subject of the dower provided for her by that House. Her royal highness had explained to him that she yielded her repugnance to being considered as in any degree a burthen on the people of this country, to the earnest entreaties, he might say injunctions, of her royal husband on this occasion. And he had farther to say, that if the vote had been one of direct, instead of eventual, advantage to her royal highness, and subject to a change of situation which she earnestly hoped might never occur, it would have been impossible to have induced her to overlook the view which she at first took of this subject, or to come to the conclusion she now did of receiving, with grateful kindness, the provision made for her by parliament, in the event of her surviving her royal husband.

The resolution was then agreed to.

Mr. *Wynn* suggested, that according to the ancient practice in cases of this kind, it would be proper that these grants should be charged on the hereditary revenue of the Crown, instead of the consolidated fund, as was intended.

Lord *Castlereagh* said, that a proper arrangement would be made on that point, though at first a difficulty arose, in consequence of the number of grants that had been made chargeable on the consolidated fund.

Cotton Factories Bill.] Lord *Stanley* presented a Petition from certain individuals in Manchester, complaining that they had been maliciously attacked in a pamphlet which had been published on the subject of the employment of children in cotton factories, and which pamphlet was also highly prejudicial to the views of those who opposed it. The petitioners prayed that the House would not proceed farther with the bill until the petitioners had time to adduce evidence in disproof of the allegations contained in the pamphlet alluded to. The noble lord trusted that the hon. baronet would postpone the farther progress of the bill, in order that this time might be afforded to the petitioners. He hoped he would consent to the bill being sent to a committee up stairs to examine the matters alleged on both sides.

Sir *R. Peel* observed, that the petition had, in strictness, nothing to do with the bill. The pamphlet only contained the opinions of certain medical men, upon the effect which the present system of employment was likely to produce.

Mr. *Curwen* conceived that the petition before the House was connected with the bill, as the pamphlet to which it alluded had raised a strong prejudice against those who opposed the bill. He thought it would be better to let the bill go to a committee up stairs, and there let medical men be examined as to what would be the best means of securing the health of the children employed. He conceived that legislative enactments would not be the best means of securing the object which the bill had in view. The notice which had been taken in the House of the present system, would be sufficient to remedy any evil which had existed, without proceeding any farther.

Sir *J. Newport* observed, that if the system of thus debating bills before they came regularly to be discussed by the House were continued, it would lead to much inconvenience. The bill to which such allusion had been made stood as an order of the day, and he submitted that any discussion on the subject of it ought to be reserved until it was regularly before the House.

Mr. *Brougham* did not mean to enter into the merits of the bill, but merely wished to observe, that if the system of delaying the progress of a bill before the House until time was given to answer a pamphlet written against it, there would be no carrying any measure through the House. The same thing was attempted to be practised in 1804, when Mr. Pitt was bringing forward the Slave trade bill, but he strongly objected to the principle which would be laid down by such a proceeding.

Lord *Lascelles* said, he happened to know that this bill proceeded out of that evidence which had been clandestinely circulated. The evidence taken in 1816 had lain dormant till other evidence was circulated among members. If this system was to be permitted, of collecting clandestine information for the purpose of circulation, neither character nor property in the country would be safe. He could see no impropriety in sending the bill to a committee up stairs.

Mr. *W. Smith* did not know one member who had been operated on by any other evidence than that taken in the committee. He would forego every particle of evidence that was not taken by the committee, and contend that there was more than enough to satisfy every member of the necessity for this bill. With respect to the persons accused of getting up surreptitious evidence, it ought to be borne in mind, that they could not have any interested motives, and that those whom they opposed were interested in their proceedings from beginning to end.

Mr. *Philips* contended, that it was indecent for a publication, containing such accusations, to be drawn up and then circulated only among certain members, for a particular object, while it so grossly attacked individuals. The Manchester gentlemen who had signed this petition could not at first get a sight of the pamphlet; they applied in vain to the printer at Manchester for a copy of it, on the 14th of April. The persons who had been accused were the parties who had been precluded from seeing the pamphlet. The petitioners begged that the House would take sufficient time to examine into the real state of the manufactories, before they consented to pass the bill—that they would make themselves acquainted with all the facts, and not proceed in the dark.

Mr. *Robinson* expressed his wish that gentlemen would agree to postpone the discussion of the merits of the bill at present. The petition had given rise to a warmth of debate, which, however natural it might be, was not favourable to calm deliberation.

The petition was ordered to lie on the

table, and to be printed. The House then resolved itself into a committee to reconsider the cotton factories bill. On the clause for limiting the hours of labour for children under sixteen years of age to twelve hours and a half, including an hour and a half for meals.

Mr. *Wilberforce* stated his objection to the proposed classification of children, and the allotment of hours of labour as appropriate to those classes which had been introduced in the bill. It had restricted children between the age of nine and sixteen years, to certain hours of labour. Now it was cruel to imagine that children of nine years of age were able to sustain labour as long as those of fourteen or sixteen years. He should therefore propose, that there should be two classes, one containing those from nine to twelve, the other those from twelve to sixteen.

Sir *R. Peel* said, he had, as a person tolerably well acquainted with the nature and interests of the cotton factories, prepared the bill in such a way as was most likely to give free scope to the operation of the remedial part of the act, without trespassing very materially on the convenience of the proprietors of those concerns in which such considerable properties were necessarily embarked. He hoped the House would see the expediency of reconciling the relief of the labouring class to the interests of the proprietor, and suffer the bill to proceed through the present stage, that the report might be brought up.

Mr. *Philips* said, that he had, by a misconception of the course of proceeding, abstained from discussing the principle on the previous stage of the bill. To that principle he objected, but if it was sanctioned by the House, he should propose amendments which would render the details less objectionable. But till that principle was sanctioned, he would not bring forward those amendments, and should therefore reserve himself for the discussion on the report.

Lord *Lascelles* said, he believed the time for considering the principle of the bill was passed. It had been expected that he was to oppose it, and he certainly thought it due to himself to state, that he had not done what he should have done. With regard to the bill itself, he did not consider it at all as it respected the interest of the spinners. The most proper mode, in his opinion, for coming fairly to a conclusion on the bill, would be to give an opportunity for those parties to be heard who had statements to make on the subject. He did expect that that would be done, for he thought it only justice to all concerned. Every parent was the natural guardian of his child. It was too much, perhaps, to take that guardianship out of the parent's hands, by the interference of that House. If a parent derived assistance to the amount of 8*s.* a week from his child's labour, it might seem cruel an unjust to deprive him of it. This interference with free labour appeared to him the most objectionable circumstance connected with the measure; but his real wish was, that the parties accused should have an opportunity of justifying themselves.

Mr. *Robinson* was sorry that the motion made by an hon. gentleman opposite had dropped, because there had yet been no discussion on the principle of this bill, although such a discussion was essential to the right understanding of the measure. He knew not, in the present shape of the question, how to come to any decision. Many gentlemen had left the House with an understanding that no discussion was to take place on the several clauses of the bill. If the discussion did not take place on the clause now read, which in fact involved the whole principle of the bill, he would move that the chairman do leave the chair.

Mr. *Wynn* said, that if the chairman were now to leave the chair, it would put an end to the bill altogether; but if he were to report progress, and to ask leave to sit again, it would afford an opportunity of discussing the principle of the bill afterwards, on the question that the speaker do leave the chair.

Mr. *Robinson* by no means wished to put an end to the bill, and therefore he adopted the amendment that the chairman report progress and ask leave to sit again.

Mr. *Peel* was unwilling to accede to the proposed delay, and principally because the bill, being of a popular nature and affecting the labouring classes, excited much interest out of doors. It was not desirable to protract a measure of such a description for many reasons, and chiefly because, in the present instance, a false idea might be entertained of the cause of delay. The objections to the bill were limited to the clause now read; for the objections to other clauses had been withdrawn. Any discussion upon the prin-

ciple might, therefore, take place now on the reading of that clause. All those gentlemen who had left the House might be presumed to be favourable to the bill.

Mr. *W. Smith* said, that as one of the friends of the bill, he had no objection to any arrangement which would ensure a full discussion, without compromising the object of the bill itself. But it appeared to him that objection to the principle of the bill, in reality, there was none. On the ground of principle, it was as much an interference with parental authority to say children should not work under five as to say they should not work under nine years of age, yet to some regulation on this subject no one objected. He could not see any reason why the bill should not go through a committee; but if the opposers of the bill thought they thus lost any advantage, he had no objection to take the discussion on another stage.

Sir *J. Newport* did not see that any opportunity was lost for discussing the principle. Nothing was foregone yet in that respect. Much injury would necessarily arise from delaying the measure. The subject had been long before the House, and had produced no small degree of agitation throughout the country. He was, therefore, anxious that they should now proceed with the bill.

Mr. *Blackburne* hoped the supporters of the bill would not, in so thin a House, show an unbecoming anxiety to proceed to a hasty conclusion upon a question affecting so great a proportion of property, and so wide a range of interests, in the county of Lancaster.

Mr. *Huskisson* regretted that a bill of so much importance had been allowed to pass thus far without discussion. The objection to the principle must be first disposed of, and if that objection were unsuccessful, then, it would be of importance to alter the bill in a committee, in order to make it more acceptable to those interested in it. It seemed, therefore, necessary to have the bill re-committed. He lamented the delay, because the bill ought to be disposed of as soon as possible.

Lord *Stanley* said, he was no party to the delay of the discussion on the principle of the bill. He had understood the commitment to be only *pro forma*. His sole view had been to refer the subject to a committee up stairs. Much alteration was required in the bill. The limitation of hours he considered to be extremely improper and injurious.

Mr. *Peel* said, that there could be nothing more futile than these discussions on the course of proceeding. The hon. gentleman had some amendments to propose, by which he conceived the bill would be improved. Why could he not now propose those amendments, reserving to himself the right of opposing the principle hereafter?

Mr. *Philips* did not think it would be consistent with the course of proceeding to state at present the nature of his amendments. He objected to the bill altogether. He was convinced it would do much more harm than good. This was his firm and deliberate conviction. He had given his attention to the subject for twenty-five years, and he felt satisfied that parliamentary interference in such a business would be productive only of mischief. He would, therefore, propose no modifications until he saw how the House were disposed towards the principle of the measure.

Sir *T. Acland* did not think there would be any inconsistency or absurdity in the hon. gentleman's stating to the House what the nature of those modifications were which he was desirous to propose. It would enable them to form a better judgment upon a subject which had not yet been discussed in a regular manner, though numerous speeches had been made upon it upon the presentation of petitions.

Mr. *Canning* said that, besides the friends of the bill and the opposers of the bill, there was another class in the House, and he was one of them, who were very desirous indeed to hear a discussion of this subject. He had hitherto heard nothing respecting this bill. This was not from inattention, but from aversion to discussions that arose on the presenting of petitions, a practice on which the hon. baronet had justly animadverted. Discussion consisted of argument, and of the warmth excited by argument. The discussions on petitions contained all the warmth, and had no argument. If ever he came to the House without prejudice respecting any subject, it was with respect to this subject. The only prejudice he felt was, the conviction resulting from all speculations on political economy, in favour of non-interference in contracts between man and man. But that degree, not of prejudice, but of disinclination, was, by mere examination, he would not say changed, but become the ground of much desire to hear discussion upon the subject.

But the more he considered it, the more disposed was he for the discussion, and the more he expected a full discussion on the principle of the bill, before it should go through a committee, by those whose information and experience enabled them to understand all the parts of the question. He thought it improper to make amendments before the discussion of the principle, because they would be made at random, and without a fixed object. The subject was itself of a very delicate and complicated nature, and its consequences deserved much consideration. He did not say any thing decisive on the question; but it certainly ought to be examined with great caution and coolness. The bill had, somehow or other, slipped from under them, without the necessary discussion, and it must therefore be brought back again to them.

The bill was ordered to be re-committed on Monday.

IRISH MISCELLANEOUS ESTIMATES—PROTESTANT CHARTER SCHOOLS.] The House having resolved itself into a Committee of Supply, to which the Irish Miscellaneous Estimates were referred,

Mr. *Peel* observed, that in submitting the Estimates for the Irish Miscellaneous Service, he did not think it necessary to enter into any details with regard to the various items of which they were composed. If any difference of opinion should be indicated upon any particular point, he should be willing to postpone for the present the grant to which it referred. It was not his intention to propose any but the ordinary votes, and of these there was but one case in which any addition was made. He had stated last year, that there was a reduction in the aggregate expenditure under this head of the public service, as compared with former years, of 123,000*l.*, and he had now to state that a farther decrease had been effected to the amount of 10,000*l.* He was not disposed to move for any additional sum to the charitable institutions in Ireland, because he had seen reason to entertain considerable doubts of their policy and utility. He feared that, whilst they collected in a particular spot a great mass of wretchedness, they had not the means of extending relief to the increased number of applicants who crowded to them under the false impression that there relief was certainly to be found. It would be seen that upon some particular items a diminution had taken place, whilst a very small comparative addition had been made. He should now conclude by moving his first resolution, "That a sum not exceeding 38,331*l.* be granted to his majesty, for defraying the expense of supporting the Protestant Charter Schools of Ireland, for one year, ending the 5th of January 1819."

Sir *J. Newport* animadverted upon the amount of this sum, for the education of only 2,430 children. Such a sum, well applied, would, he was convinced, serve to educate a much greater number. But of this sum, no less than 7,000*l.* was allowed for officers of the several institutions, namely, for masters, ushers and catechists. To the grant for catechists he particularly objected; because he thought, where the clergy of the established church had, in many instances, so little to do, the parish rectors should act as catechists at those schools. He was free to confess, that the system upon which those schools were conducted had undergone considerable improvements, in consequence of the discussions which had taken place upon the subject since the Union; and among these improvements was the removal of the absurd regulation which excluded all the children of Protestants. But still farther improvements was necessary; and he threw out those observations, not with any view to hostile opposition, but in the hope of extracting observations from others, and of directing the attention of the House to the subject.

Sir *George Hill* agreed with the right hon. baronet, that the Charter Schools in Ireland could be made subservient to a much more extensive system of education than they had been. This had been the opinion of gentlemen commissioned to inquire into the national education there. A very minute examination had been made last year into this particular branch of it, and with such useful results, that it was intended to be resumed next summer. Catholic children were no longer excluded from these seminaries; they were open to the children of persons of all religious persuasions: That a much larger number could be educated in those institutions he was certain. There were thirty-six of them in all, and, under proper management, they would form a cheap mode of education for the lower orders. The system had been so long established, that it would not be wise to abandon it. As they were already established in every

part of Ireland, he thought it better to take advantage of them. The right hon. baronet had complained of 7,420*l.* being appropriated to catechists, observing, that the duty might be done by the incumbents of the next parishes. He had to state, that that sum was not received by the latter, but by the curates, who devoted their care and attention to the progress in learning, the morals and habits of the children, and on whose exertions depended all the benefit to be derived from the establishments. He was glad, however, to hear the remarks of the right hon. baronet, because they would tend to excite the attention and diligence of the Irish gentlemen to the subject.

Sir *J. Newport* would repeat, that to establish thirty-six schools for the education of 2,430 children, and to pay 7,420*l.* for the superintendence of it, was out of measure extravagant.

Mr. *Peel* observed, that the children in those establishments were not only educated, but maintained and clothed.

Mr. *Grattan* said, that these charter schools, in their original construction were bad. The system was, however, under the vigilance of public opinion, much improved. If the question was, whether Protestant schools under a principle of proselytism ought to be supported by parliament, he should object to it; but as the present was an old grant, improving in its operation, and capable, by being watched, of being rendered more beneficial, he should not oppose it.

The several resolutions were then agreed to.

HOUSE OF LORDS.

Monday, April 20.

State of the Metallic and Paper Currency.] The Earl of *Lauderdale* said, that in rising to move for the appointment of a committee to inquire into the state of the currency of the country, he was aware that he was entering on a subject with very few attractions. He certainly did not proceed to the task he had undertaken without a sense of the difficulties which stood in his way, in calling upon their lordships to consider this question, as it was a subject to which many of their lordships had probably paid no particular attention, and on which they might, therefore, suppose he could not easily make himself understood; and because it was also a subject, with respect to which others of their lordships, having been disappointed in the results they expected, might think no accurate conclusion could be drawn; though, in fact, he could assert, that there was no question on which more certainty could be obtained. There was another difficulty arising from the nature of the subject itself, and which consisted in the propriety of entering into some minute details, with the view to a full explanation. On the other hand, he was aware that it was quite impossible to command attention to a speech founded chiefly on a dry detail of figures. When a much younger man than he now was, he recollected that the father of a noble lord who sat near him (the marquis of Lansdowne) had advised him always to avoid, as far as possible, resorting to figures when he addressed a public assembly; and his own experience had since convinced him of the propriety of this advice. It would, therefore, be his study to engage their lordships' attention as little as possible in details of that sort. If he should fail in making any part of the subject sufficiently clear, he was confident that his noble friends who might follow him would amply supply the deficiency. When he first gave notice of the motion he was now about to submit to their lordships, it was his intention to have entered at considerable length into the state of the currency, with the view of demonstrating the necessity of immediately resorting to cash-payments. In consequence of the gold coin having disappeared, he meant to have in particular recalled their lordships' attention to the state of the Mint regulations, in order to show, that though the Bank had reduced the quantity of their notes in circulation to the amount which circulated before the restriction took place, and that though the country banks had also limited their circulation to even a lower scale than before that period, still, under the present regulations of the Mint, it would have been impossible for the Bank to have paid in specie. If he could have had any doubt on this subject before, he must have felt his opinion confirmed by the proceedings of ministers since notice of his motion had been given. He alluded to the declared intention of renewing the Bank Restriction act, and the scheme for making country bankers deposit stock or exchequer-bills for the notes they might issue under the value of 5*l.*

With the knowledge of these proceedings before the House, it would be im-

possible for their lordships, if they did not mean to desert their duty to the public, to refrain from inquiring into the important subject he now wished to bring immediately under their consideration. In doing this he should find it necessary, in the first place, to consider how far it was necessary that the Bank Restriction act should be renewed and continued for another year. He was prepared to show that the reasons which had been assigned for its renewal were unfounded; that the Bank might have returned to payments in specie, were it not for the departure which had been made from that ancient system on which the superiority of this country with respect to currency was formerly founded; and that though the Bank had taken every step which might otherwise have been necessary, it would have been perfectly impossible, under the present Mint regulations, to resume cash-payments. With regard to the reasons assigned for continuing the restriction, he was never more surprised than when he heard foreign loans stated as the principal, or indeed almost the sole reason, coupled with the assertion that there was nothing in the internal situation of the country that rendered the measure necessary. He should, however, show that this was a mere pretext, and that the only reason was, the internal situation of the country, created as it was by the measures of ministers. But here he could not help asking their lordships to consider in what situation this country was placed when this great question—one of the most important which a legislature could be called upon to decide—was no longer to be left to the judgment of parliament, but was made to depend upon the caprice of foreign powers? Was it to be henceforth a maxim, that when the emperor of Austria, the king of Prussia, or the legislative assemblies of France chose to undertake certain financial operations, the Bank of England must suspend payments in cash? Were this to be maintained, there would be an end of the power of the British parliament with respect to one of the most important objects of legislation, and no hope could be entertained of the restoration of that solid system of currency on which the commerce and wealth of the British empire had been founded. Fortunately, however, the proposition could not be maintained, for it had no foundation in truth. In the first place, he denied the fact that foreign loans ever had or could have the effect which had been attributed to them. He knew endeavours had been made to support the opinion he opposed, by reference to the opinion expressed by the Bank directors, with respect to a proposed loan, in 1797, of 3,000,000*l.* to the Emperor. They expressed an apprehension of injurious consequences if that loan was negotiated; but would the noble lord opposite venture to say that any loan had been the cause of the Bank restriction? To be satisfied on this point, their lordships had only to look at the evidence taken before the committee appointed to inquire into the facts. They would find from the examination of the Bank directors, that the gold transmitted to Austria, in consequence of the loan of 1795, did not exceed 500,000*l.* Indeed, if their lordships took the trouble of examining the state of the exchanges at that time, they would find that it was perfectly impossible that gold could have been sent to Hamburgh without loss. This was clear from the evidence of Mr. Boyd. It could not be sent out without loss, when the exchange was at 34 par. It might be sent at 2⅓ usance, with the exchange at 33.6; because then, in consequence of the interest, there would be a profit on the transaction; but an examination of the tables would show that this favourable case for its exportation did not occur. Indeed, a report which was drawn up, he believed, by the father of the noble lord opposite, proved, that during the two years in which the imperial loans had been negotiated, and large subsidies were paid, the remittances had not been made in cash, but in goods. It appeared that in those years the exports to Germany amounted to 8,000,000*l.*, though usually they did not exceed 1,900,000*l.* It appeared also, that these exports equalled all those that were in the same time made to France, Flanders, and Holland.

Thus it was evident, that if their lordships considered what had been the effect of the loans and subsidies of 1794 and 1795, they would find that the remittances had been made almost entirely in goods, and not in bullion. Was it possible, then, that the noble earl opposite could allege the loans now negotiating to be a reason for continuing the restriction, on the ground that it had been originally caused by the imperial loan? Nothing was more evident than that that loan had nothing to do with the measure. But if their lordships wished to know what had been the

real cause of the restriction, they had only to look at the evidence of Mr. Giles and Mr. Bosanquet. These gentlemen distinctly stated, that if all the advances made by the Bank to government had been repaid, there would have been no occasion whatever to have resorted to that measure. Were their lordships, then to believe that the cause was a different one from that which the Bank directors at the time, who were acquainted with all the circumstances, declared it to be. They certainly were best acquainted with the real cause. In 1797, the Bank direction appeared to have imagined that the Restriction act would be allowed to expire, and that they would have to return on the following year to payments in specie. The Directors did not then affect to make their operations depend upon foreign loans, but made proper arrangements for the event they expected. There was a meeting at the Bank in October, in which the state of the advances to government was taken into consideration. The advances to government had amounted to 11,280,000*l.*, but they were then found to be reduced to 4,278,000*l.*; so that the Bank, in the expectation of being obliged to pay their notes in cash, had compelled government, so early as the month of October, 1797, to pay up about seven millions. Thus, then, there was the most full and convincing evidence, that the state of the advances made by the Bank to government in 1797, was the only obstacle to their continuing payments in cash.

Having said this much, he might safely stop here, and ask their lordships to reject any argument for the continuation of the restriction founded on foreign loans; but he wished to state some considerations which would render the matter still more convincing. And here he would venture to state as an indisputable proposition, that that man must be ignorant to a degree which would be disgraceful who believed it possible that this country would be drained of its specie if the Bank paid its notes, though all the powers in Europe were making loans, and all these loans were negotiated in England. He had stated this proposition in the broadest manner, and nothing was ever more capable of proof. It was not in gold alone that remittances were made by one country to another. In every well regulated commercial country it was fit that there should be a circulation, consisting both of paper and of specie; but the paper always payable on demand, and the coinage established on just principles. When a great trading country stood in this situation with respect to its currency, it was perfectly impossible that it could be exhausted of its specie. This was no new opinion of his; he had published it several years ago, and it had never yet been refuted. In truth, it was very obvious, that there were two ways of making remittances from one country to another—in commodities or in money. Now, as merchants would always make remittances in the articles which were most advantageous to their own interests, it followed that the foreign loans which had been so much dwelt on could not have sent any money out of the country, or only to a very small extent. The security against a country being drained of specie was complete. If the merchants remitted cash to foreign countries, they would raise the price of commodities, and they never sent out gold when it was their interest to send goods. It was true they might glut the foreign market with goods, and thus cause a depreciation of value there; but the demand for gold could only be temporary, and it was impossible the country could be exhausted of that specie, which formed part of its currency, if its coinage were well regulated. It was difficult to convey these doctrines in a speech, and he would rather state them from print. Here his lordship read a long extract from a work which he published in the year 1812, and in which the principles stated in his speech were enforced. He showed that gold would never be sent out of a country, except when there was a want of such commodities, the exportation of which, joined to the state of the exchange, would afford a profit to the merchant. Their lordships would perceive that he, had fully discussed, in the year 1812, the question now at issue; and the conclusion was evident, that a country could not be drained of its coin which had commodities of its growth and produce to export. Such a state of things could only occur in consequence of issues of paper raising the value of the gold.

He believed he had now proved, that the reason assigned for the continuance of the Bank restriction was totally unfounded. The real reason was, the advances made by the Bank, and the increased circulation of notes. He found, from the accounts laid before the House, that there had recently been an increase

of 2,000,000*l.* in the issues of the Bank, and the discounts of the Bank could not be estimated at less than 1,000,000*l.* The average issues of the Bank amounted on the whole to 29,000,000*l.* This state of things plainly showed that the Bank had made no progress towards diminution in their issues, and that of course payments in specie could not be expected. What the sum total of the advances made by the Bank to government might be he could not pretend to say, as the account he moved for with the view of ascertaining that sum had been refused. The Bank held exchequer bills and other government securities, purchased in the market, to a great extent; but all such purchases, he would maintain, were illegal, according to the act of William 3rd. The noble earl opposite might seem surprised at this, but such was the fact, and by his refusal to grant the information demanded, and the continuance of the restriction, he screened the Bank in an illegal practice. Here his lordship referred to the act of the 5th and 6th of William and Mary, which he contended the Bank violated in the purchase of exchequer bills. The act provided, that treble the value of any advances made by anticipations on lands or revenues of the Crown should be forfeited. Every advance made by the Bank, which was not sanctioned by parliament, was, in consequence of this act of William 3rd, illegal. In what way this act was appreciated by the Bank was evident by what took place in 1793, when a clause was smuggled into an act of parliament which was not known for two years afterwards. It arose out of transactions between government and the Bank, when in consequence of a pressure at the Treasury, bills were sent from thence to the Bank to be paid by the latter advancing money for that purpose. His lordship read the clause, authorizing the Bank to pay the description of bills alluded to, notwithstanding the act of William and Mary, but enacting that an account of these transactions should be annually rendered to parliament. This plainly evinced what had been the feeling both of the Bank directors and the ministers on the subject, and clearly showed that the act in question extended to loans on exchequer bills; he was, therefore, surprised at the appearance of doubt put on by the noble lord with regard to this subject, and at his refusing, on principle, to show what securities on government the Bank had. His (lord Lauderdale's) object was to see whether the Bank issues were conducted in that salutary manner as to enable them at any time to be called in in six weeks. But he believed that the Bank had not sufficient left in their coffers to effect such an operation. What with the twenty-nine million of paper that had been issued and was in circulation, and what with the loans to government in addition, was there any body who did not think that the coin requisite for resuming cash-payments must be more than double the amount of the eleven millions that had been so confidently stated as the sum? And yet, according to the noble lord, the Bank was perfectly ready to pay! the government was anxious that payments should be resumed! but on his conscience he believed that those payments were at a greater distance than ever; that the whole business was a complete juggle between the Bank and the government, and that the country was completely their dupe. In fact, the Bank had the complete regulation of the price of commodities. However, it was his object merely to persuade their lordships, that foreign loans could not affect the question of the resumption of cash-payments, or that the Bank was incapable of resuming them; but at least that their lordships would not take these or any other points for granted without considering it their duty to make a full inquiry into all the circumstances of the case.

He must now proceed to call their lordships attention to a second device resorted to by government for the support of this system, and a proposition it was of a most extensive and important nature. It seemed that country bank-notes of one and two pounds were not to be circulated unless the bankers deposited a security with government to a certain amount. He begged to be allowed to say, that this scheme was contrary to the whole spirit of the commercial laws of this country: those laws required no other security than the promise to pay, and the power to demand the fulfilment of that promise. When, however, he recollected that, on government pledging the Bank to pay in July, his prediction that no such payment would then take place was treated with derision, could he or any other man suppose that government would let the Bank pay next year? But he would contend, that the securities proposed were wholly unnecessary, and that people wished for no better

securities than Bank paper, payable on demand. Restore to them their ancient system, and they would have no occasion for this. He therefore thought that the restriction would be continued for more than a year from the 5th of July; but whether that should be so or not, the proposition respecting securities to be given by private bankers was in itself of the most objectionable nature. This country was the most opulent in Europe, and had gradually risen, through the whole of the last century, to its present state of prosperity by means of banks of credit. Consult authors of any credit on the subject, and they would tell you why monetary banks of deposit were not so good as banks of credit. Our system was founded and had risen to eminence entirely on credit: when honour, probity, and regularity were the foundation of credit, it was altogether inexhaustible; because, in proportion as extended commerce created an extended demand, the state of credit increased along with it; and if commerce slackened, credit declined proportionably; but under the system of banks of deposit, credit always failed most when there was the greatest demand for it. His objections, therefore, went to the whole proposition of the noble lord. What was it but an arbitrary interference of parliament, in order to favour creditors of a particular class? Did not the noble lord, in fact, say, that he wished to annihilate country notes under the value of 5*l*. If ministers wished to annihilate all notes of country banks above 5*l*. this plan must answer their purpose; for no man would be willing to repose such confidence in a stigmatized bank, as to take any other notes than those founded on the security prescribed by parliament. Credit depended on confidence; and if there was a stigma, how could there be any confidence? The effect of the plan was only to make the country bankers a sacrifice to the Bank of England—the favoured Bank of England. The scheme proposed was bad in theory, and equally bad in practice. He did not believe that bankers of any character would submit to this indignity; especially as, under the plan proposed of issuing stock-notes, any stockholder might, on paying 30*l*. for a licence dispose of his stock bills as a banker, and make a double profit. Much as he had objected to the evils arising out of the paper system, the remedy now proposed by government was of so suspicious a nature, that it was the imperious duty of their lordships to hesitate before they gave it the sanction of their approbation. Their lordships, he was sure, could not give up that system of banks of credit which had raised this country to such a pitch of unexampled opulence, without making inquiries as to what could render such a step necessary.

It was impossible for any man to say that the state of our circulation was not such as to require investigation. Every one of their lordships must know the result of the determination of the Bank of England to pay in cash all the 2*l*. and 1*l*. notes issued before January, 1817. He would ask, if the circulation of a country could be said to be in a salutary state, when these notes were sold at a premium of two per cent? Was that a situation of the Bank of England paper, in which parliament ought to refuse all inquiry? How came it that these notes were at a premium of two per cent? It was from no other circumstance than this — that these notes were payable in gold on demand. For these notes the Bank advanced two and a half millions in gold; and what, he would ask, had become of these two and a half millions? They had vanished from circulation; and he believed there was not one of their lordships who did not in his conscience believe that they had also vanished from the country. Nor was this the only evil. The noble lord opposite (Liverpool) and himself, were both agreed, that in a salutary state of the circulation of a country, paper should go to the whole extent that paper would voluntarily go, corrected by the circumstance of being liable to be paid on demand. What was the nature of the paper circulation, which it was intended that we should have? It was intended that we should have four descriptions of paper. A Bank of England paper, for which the Directors of the Bank had made themselves liable to pay cash on demand. A Bank of England paper, not liable to be paid on demand. A paper circulating on the security of deposits of stock and exchequer bills: and a paper circulating without any security. Such a circulation as this was reserved for the noble lord and his colleagues to invent. It was obvious that a paper currency of four different descriptions of character, must differ also in value. But there was no man who knew any thing of the subject that did not know that a paper currency of four different qualities and four different values,

could not circulate together in the same country. If any one doubted the truth of this proposition, the facts stated in the work of the father of the noble earl opposite would remove his doubts. But the noble earl opposite, instead of proposing a paper circulation as corrected by a liability to be paid in cash, had introduced a paper circulation of a description entirely new, and had adopted a system of coinage which would render a return to cash payments impossible. The noble lord had carried on his coinage not on the old system, but on an entirely new system of his own—a system entirely in opposition to the opinions of Locke, Harris, and every authority of credit.

He had some time ago taken the liberty of telling the noble lord, that the system on which he was proceeding was wrong from the foundation. The noble lord had set up two metals for his standard, which was a bad monetary system altogether, as the value of the metals changed with respect to each other. He had recommended to the noble lord, that as silver was the standard which was adopted in every country of Europe, this silver ought also to be adopted as a standard by us. But, according to the noble lord, it was necessary that we should have a more valuable standard, because (though silver might answer well enough for nations of which the transactions were more limited), it would not suit with the magnitude of the transactions of this country. But the reasoning of the noble lord was not less absurd, than if he had said, that because we were the greatest manufacturing country in Europe, it was necessary that we should have a yard extended beyond that of other nations, in proportion to the quantity of our manufactures. Coin was advantageous to a country, as it acted as a measure of value; and the cheaper the instrument by which that purpose could be effected, the greater the advantage to a country. He contended that the greater the riches of a country were, the more anxious it ought to be to have silver as a standard in preference to gold. They would have a circulation in the greatest state of perfection, when as much as possible of it was paper that was corrected in value by a metallic currency—whether that metallic currency was of a high or low valued metal, the effect on the paper was the same, as they equally gave a certainty to the value of the paper. The greatest possible encouragement ought to be given to that metal by which the circulation could be conducted in the cheapest manner possible. Was it not more troublesome to make payments in silver than in gold, and did not this additional trouble give a greater encouragement to paper? When they saw the 2,500,000*l.* issued in sovereigns by the Bank disappear from the country, of what advantage could it be to the people that the standard was changed from a lower to a higher metal? It appeared that four species of paper were to circulate in the same period. It might be proper to consider what was the situation of our metallic currency. We had a gold coin entirely without a seigniorage—a silver coin for the first time for centuries with a seigniorage.—We had till the 5th July a silver currency at 6*s.* 8*d.* the ounce; and we had in Ireland a silver currency at 7*s.* 3*d.* an ounce. Our currency, therefore, consisted of paper of four descriptions, of three different species of silver, with a seigniorage, and of gold without a seigniorage. The difference in value between two sovereigns, and silver of the same nominal amount, in the new coinage was 10¼*d.* Sir Isaac Newton gave it as his opinion, that from the relation which the new silver coinage of his time bore to the gold coin, 21 shillings in silver being 4*d.* in value more than the guinea, the whole of the silver would disappear from circulation. The result was well known. He never had seen a silver currency in general circulation, at all approaching to what it ought to have been. The silver coin in circulation were positively so many counters. A gentleman in Scotland, knowing him to be curious on the subject, had sent him a great many crowns of the unfortunate James, and stated, that in his country many persons were fond of the family, and kept those coins as memorials: they must have done so, for he (lord Lauderdale) never saw the silver in circulation. If the Bank directors had really seriously contemplated payment in cash, their conduct would have been very different from what it really was. If they were serious, if the noble lord meant that they should pay back all the advantage they had gained, it was impossible, under the present Mint regulation, that they should pay in cash; they must stop in the very attempt. This must be evident from a consideration of the state of exchanges between this and other countries down to the end of December last. At that mo-

ment he had before him the papers of price and exchanges in detail down to the 1st of Jan. 1818; the average of exchange at Paris was 24 fr. 40 cents. and that he took as the basis of his calculation, as it was the most steady. That he might not fall into any mistake, he had called for a return of the number of grains of pure silver contained in 20*s.* of the new silver coinage; they amounted to 1,614 36-66 grains of troy, while the number of grains contained in 20*s.* of the old silver coinage amounted to 1,718 44-62 grains of troy; the number of grains contained in the sovereign were 113 18-11,214 troy. He had compared this with the state of the coinage in France also; and the result of his inquiry was, that supposing the silver par of exchange at 24 fr. 16 cents. in our pound, the same quantity of French silver for our sovereign of 20*s.* would amount to 25 fr. 21 c. It was evident, therefore, that while the pound note was at 24 fr. no one would remit it who could get 25 fr. for the sovereign, by which he might realize a profit of 3*l.* 4*s.* 3*d.* per cent; and if he looked to silver with a view to importing it, he might make 5 per cent more: so that the profit on exporting gold, and importing silver, would amount to 8*l.* 4*s.* 3*d.* per cent. To this he knew it might be objected, that he had overlooked all the criminal laws prohibiting the exportation of the coin of the realm, and the importation of money as the coin of the realm, which was not in reality such. But where the interest of mankind was concerned, it was ridiculous to take into consideration the operation of the law, particularly in cases where detection was almost impossible. There was hardly any thing which could be more like than the silver coin manufactured on the other side of the water was to the silver coin of our own Mint. Till such time as we corrected our monetary system, this state of things would go on. The conduct of the Bank proved to him that they never seriously meant to pay in cash, because there were among the Bank directors men too well acquainted with affairs of this nature, not to know what would be the effect of a return to cash-payments, they would have come forward under the present system. If they really had contemplated a return to cash-payments and have demanded a repeal of the existing law with respect to our coinage. If our silver formerly, from being 4*d.* in value above the guinea, disappeared from circulation, how was it possible that gold of 10½*d.* in value above silver should remain in circulation? He did not desire them to believe these things on his authority; he desired them to reflect on the authorities which he had cited; to reflect on the situation of the country. The noble lord opposite had acknowledged that a paper circulation was in a salutary state when its value was fixed by being payable on demand. But nothing could be done, while our coinage remained on its present footing—while we had a gold coin without a seigniorage, and a silver coin with a seigniorage, a gold coin 10½*d.* more valuable than the silver coin of real value; while we had a silver coin at 6*s.* 8*d.* the ounce, and another at 7*s.* 3*d.* the ounce; when, in short every thing in our monetary system was in a most unsalutary state. They had pledged themselves that the Bank should pay in cash in one year, and they had broken this solemn pledge. Surely, under such circumstances, they were bound to go into a full inquiry into this subject, which was of so much importance to the interests of the country.—The noble earl concluded with moving, "That a committee be appointed to inquire into the Present State of the Metallic and Paper Currency of the United Kingdom."

The Earl of *Liverpool* observed, that the noble lord who had just sat down did not in his speech seem to take advantage of the claim which he had at first advanced. The noble earl had said, that he should have one advantage in debate over those who might oppose his motion, as he would merely state doubts and call for inquiry, without pretending to lay down principles or to draw conclusions. Now, so far was this, in his opinion, from being the conduct of the noble lord, that he never heard a speech in which there were fewer doubts, and more dogmatizing. The noble earl had made statements in many parts of his speech with which he entirely concurred, and it might save some trouble if he stated those with which he concurred. The noble earl had laid down one principle, in which he heartily concurred, namely, that the best system of currency for any country, and particularly for such a country as this, was a paper circulation, measured by the precious metals as its standard, and supported in its value by being convertible into cash at the pleasure of the holder. He agreed with him farther, that the more easily it was con-

vertible into cash the better, and that it was highly desirable that all restrictions on that convertibility should be removed. He hoped whatever insinuations the noble lord had thrown out against his sincerity, he should get credit from their lordships when he stated publicly an opinion which all his friends knew he firmly maintained—that these restrictions should not be continued without good reasons, without a paramount necessity. There was not a man in the kingdom more anxious than he was to see a return to cash payments as speedily as possible; and if he had come to the conclusion, that it would be detrimental to the interests of the country that the restrictions on the Bank should be immediately removed, he could assure their lordships that he had adopted that conclusion after the most mature deliberation, from a review of the particular circumstances that characterized the present times, and with the deepest regret. Such was his general principle regarding the currency, and such was his opinion of the propriety of continuing, for a limited period, the Restriction act, and he was anxious to be distinctly understood upon the subject.

The noble lord had introduced a great variety of topics into his speech, to some of which he was anxious to address himself at present, though other opportunities would occur for discussing them more fully. He would begin with answering some of those observations with which the noble lord concluded, because they were less immediately connected with the question, and would require from him less discussion. The noble lord had referred to debates on the subject of the new silver currency, which took place about two years ago, in which he and the noble lord differed as to the question, whether gold or silver should compose the standard coin of the country. He (lord Liverpool) had then advanced an opinion that gold should be the standard metal, and though he had heard much on the subject since, he had seen no reason to alter that opinion. Upon the question whether one metal should be the standard to which the other should be referred as its measure of value, the noble lord and he perfectly concurred. Indeed, there seemed to be no difference with regard to this principle among those who had given the subject the least consideration. Into the question of the comparative fitness of the two metals to become the standard, he would not now minutely enter, as it had already been fully discussed, as no new reason had been brought forward by the noble lord in support of the opinion he formerly maintained, and as a decision on the point would not materially affect the object of the present motion. He might say, however, as an argument in support of the conclusion to which the legislature had come, that gold had become, in fact, and in practice, the standard metal before it was declared so in law. It had risen into this state imperceptibly, before an act of the legislature had sanctioned the practice, and made it the only legal tender for all sums above 25*l.* in addition to the inference in favour of that metal drawn from general consent and practice, it might be stated that the expediency of making it the legal standard measure of value for other metals was supported by the circumstance, that it was less liable to fluctuation. The noble lord had said that the two metals could not circulate together, and that in consequence of the change effected in the standard by law, our gold was exported, and our coin melted down. He (lord Liverpool) admitted the fact that our gold was exported, but could not allow that its exportation was attributable to the cause assigned. The noble lord, in stating the opinion of sir Isaac Newton, had overlooked one material fact which then existed, and which now existed no longer, and the omission strongly varied the reasoning. At that time both gold and silver were equally standards. You might go to the Mint with a quantity of silver bullion, of standard fineness, and demand the same weight in the silver coin of the realm. You might do the same with gold. Now the case was altered: you could carry a quantity of gold to the Mint, and receive the same weight in gold coin, but not so with silver. It was manifest, however, that if gold was to be exported, it would be exported in the state of bullion. The first object of the exporter would be to find bullion, from the smaller risk run, and the less trouble incurred in exporting it. No man would put himself to the trouble of melting the coin, if he could obtain a supply of the metal without subjecting it to that process. The silver could not be so easily melted; but it might be exported in the shape of bullion, and then the regulations of the Mint would not affect its price. If the noble lord's doctrine were true, that

when the Mint gave a higher price for gold than silver, silver would fall in value, and gold would be exported in preference, then it would follow that silver must fall in exchange. But this was not the case; silver had risen even more than gold in foreign exchanges. The conclusion he drew from the fact was this, that whatever causes had combined to make the exchanges against us, such a state of the exchanges must lead to an export of gold, without any reference to the condition of our silver currency, that it was not owing to the relative value of the two precious metals, as compared with each other, but to circumstances perfectly distinct and independent that they were to attribute such an occurrence. Gold coin was not melted for export because it was of most value, but because no price was put on gold as coin above its bullion price.

He would proceed to the important subject of the paper circulation which was more immediately connected with the motion before the House. The noble lord (lord Lauderdale) had divided this subject into two parts, the paper circulation of the country generally, and how that circulation was affected by the advances of the Bank of England to government. On each of these points, he would make a few observations. He would make some remarks on the general circulation, first, because having laid down the principles on which it rested, the second part of the subject would be better and more easily understood. The noble earl (Lauderdale) had alluded to a book which contained the sentiments of one for whom he (lord Liverpool) must always feel the greatest veneration (the late lord Liverpool's Letter to the King on the Coinage). It was the opinion of that respectable individual, that when the circulation of the country came back to something like its natural state, then it would be proper to adopt some regulation regarding the paper currency. Whether he had any precise plan in contemplation for that purpose was more than he could say, but the necessity of adopting some regulation, of instituting some check, he had distinctly and repeatedly avowed. His belief was, that unless some regulation was adopted, property would become insecure, and the circulation would be subjected to repeated shocks that might cause great public calamity and individual suffering. The evil of insecurity could not be a solitary evil. The repeated failures of country banks would give a shock to public credit, and the character of all paper currency would be affected by that of the most insecure. The system would thus be exposed to convulsions, which ought to be prevented, both from a regard to the general security of the country, the country banks, and even the Bank of England itself. All these interests required some regulation for the currency. To that which had been proposed, he (lord Liverpool) had heard objections strongly urged; but upon asking those who stated these objections, "Do not you think some check is necessary?" he never heard a dissenting voice—he never saw an individual who did not answer this question in the affirmative. By the law, as it now stood, there was no restriction on the issue of country bank notes of 1*l.* or 2*l.* to any amount, and on any security. When this law expired, in two years after the removal of the restriction on the Bank of England, this privilege would cease, and their issues would be confined to notes at or above 5*l.*

The question was, therefore, ought the law to be allowed to expire, or ought it to be continued? With regard to the first point, he never heard but one opinion. He never heard any body say, that, considering the habits and necessities of the country, changed as they had been by the continuance of 25 years of a contrary system, we should recur to the system that then prevailed, and place the country banks under the restrictions by which they were then limited in their issues. Were we then to repeal the act, and allow issues of one and two pound notes on any security, or without security at all? Let the House consider the history of the currency of country banks for the last three years, and the calamities that had arisen from bank speculations. Out of 700 country banks that existed in 1814, 200 had now been swept away and had disappeared, to the ruin of individuals and whole districts, and to the general injury of the agricultural and commercial interests. He had always been of opinion, that, although many of the difficulties out of which we were now emerging were to be traced to that convulsion which was caused by the rapid transition from war to peace, they were greatly aggravated by the failure of country banks. The distress of the agricultural interests in particular had been in a great measure, owing to the exorbitant issues, and the consequent insecure currency of the

country banks. Some districts and counties might be named, in which the distress of the people was solely attributable to this evil. This was an evil which would, in his opinion, be aggravated by the removal of the restriction from the Bank of England, if no regulation were adopted in consequence of that measure. Let the House consider what the effect might be, if the system of country bank currency attained as great an extent as formerly, without any security, and after the restriction was removed from the Bank of England. There might then be a run on the country banks, then on the Bank of England itself, and the consequence might be a general shock to credit all over the nation. He would therefore lay down this as a principle, that if we could not recur to entirely metallic currency, and if it was necessary to allow country banks to supply its place, to a certain extent, by issues of small notes, these country banks ought to be placed under some regulation for the general security of credit and with the view of preventing those convulsions that might result from their failure.

The most material consideration in this state of the business was not whether one system of regulations was better than another, but whether there ought to be any regulations at all. It was to be observed, that while the great crash to which he alluded was experienced in England, not one, he believed, or perhaps only one bankruptcy had taken place among the country banks in Scotland.—This formed an important consideration. Perhaps it was to be partially attributed to that clause in the charter of the national bank, which provided that no number beyond six should join in a country bank. To Scotland, therefore, the act was not meant to extend, because from the wise regulations under which the banking system was carried on there, no change of system was necessary. He conceived there could be no objection to the adoption of a plan by which the legislature should say to the country banks—"You have no right to issue one and two pound notes after the lapse of two years from the expiry of the restriction act; then your privilege ends; if after that time you issue small notes, you must do so on depositing as a security for the payment of them, exchequer bills to the amount of your issues in small notes, or stock to double the nominal amount." To this scheme he had heard only one objection of importance, but that objection appeared to him to admit of an easy answer. The objection was this—that if notes of one or two pounds only were issued on security, the credit of notes of a higher denomination would be injured, as they did not possess the same security. In opposition to this prediction, he would say, that so far from the deposit of securities for small notes being injurious to the credit of notes of a greater amount, the very deposit of such securities for the former, would give the latter additional credit. This opinion would be confirmed, if it were considered that double the nominal amount in stocks must be deposited for the small notes, which, at the usual price of the public funds, would afford to the holders of the five pound notes, a balance for the payment of the latter. But without laying much stress on this argument, he would say that the holders of large notes would not be in a worse situation than they were before small notes were allowed to be issued at all, and as they then took on credit, for their own convenience, large notes in preference to gold, there was no reason why they should not afterwards, for the same convenience, take them in preference to small notes. Why did people take notes at all, when they might have guineas or sovereigns, but because the former, when great sums were concerned, were more easily carried, and had other conveniences. There was nearly the same difference in point of convenience between a great number of small notes and a large one of equal amount, as between a quantity of sovereigns and the same value in a large note. As, therefore, people took notes on credit in preference to gold, when the latter was solid wealth, and the former depended on the solvency of the banker, so it might be supposed that they would take the same large notes on credit in preference to small notes on the security of a deposit. Security was not preferable to solid money, and the motives of convenience that operated to prompt the reception of notes on credit in the one case would operate in the other. Cash opposed to credit, was as strong as security opposed to credit; and he had no doubt the result would be the same in favour of the larger notes, when the parties found their convenience in the larger notes, and had confidence in those who issued them. He was, therefore, of opinion that this ob-

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jection to the measure was unfounded. He knew that there would be difficulties in carrying it into execution, and in settling the details; but he did not think them insurmountable, and he was persuaded, that great as might be those difficulties, the advantages that would be derivable from the plan were much greater. It was pretty well known what was the proportion of small notes issued by the Bank of England, and the time they continued in circulation without being renewed. The average might be reckoned about 8,000,000*l.*, and the time the notes lasted about 2 or 3 years. Upon the whole, the more the measure was examined and discussed, the more it would appear to be wise and eligible. The noble earl (Lauderdale) had objected to the want of uniformity in our system of currency. He (lord Liverpool) admitted the fact, but did not see the force of the objection. Our currency was not uniform, nor did he think it should be so. It was different in different places. An instance of this want of uniformity might be mentioned in the case of one of the most populous, wealthy, and commercial counties of England. In Lancashire, since 1797, there had not been a single bank that issued paper. The people carried on all their business with Bank of England paper, and the consequence was, that they had not suffered in the late distress from the circulation. He came now to another part of the noble lord's observations. He would have, on a future occasion, to propose the continuance of the Restriction act for one year; but he would say again, that there was nothing in the internal state of the country, or of its foreign relations, that called for such a measure; but there were circumstances arising from the pecuniary transactions of other countries which rendered it expedient. He knew, too, and he could assure the House, that the Bank had made most ample preparations to resume cash payments, and that they were ready to do so. The noble lord had doubted this fact, and had given as a reason of their inability, the advances they had made to the government. He both denied the fact and the cause. The Bank might have returned to cash payments last year, when all the advances they had made to government remained unpaid. If, however, any thing had happened after this to disturb public credit, the Bank would have said, we must draw in our advances. The government was ready to pay up what it owed them, and, therefore, the advances made to government could no longer be an obstacle to the resumption of cash payments. The noble lord had said, that, in the spring of 1797, the government owed upwards of 11,000,000*l.* to the Bank, and by October, reduced the debt to 4,000,000*l.* The proportion was nearly the same this year. The amount of the advances now, including those for Ireland, was 12,900,000*l.*; and it was intended to pay up 9,000,000*l.* in the course of the present year. The House had no more right to inquire into the mode in which the Bank employed its private funds, than they had to investigate the accounts of any individual commercial concern.

The noble lord had built one of his arguments on the course of exchange, and had given, as the great reason of their unfavourable state, the inordinate issue of Bank of England notes: he had particularly, insisted on the circumstance, that during the last six months 2,000,000*l.* more of Bank paper, had been issued than in the corresponding six months of the last year. He, however, considered this as a perfectly inadequate cause of the state of the exchanges: and this he was prepared to prove, independently of the question whether the additional issue had been wise or unwise. For his own part, he considered the condition of France as the great cause of the unfavourable state of the exchanges. In 1816, and during part of 1817, the exchanges were in our favour; but when those great transactions began to take place which were necessary for the adjustment of the claims of the different countries of Europe, then, and not till then, the exchanges began to be unfavourable: the question, therefore, was, whether—not with reference to any particular loan, such as that to Prussia—but with reference to the winding up of the great concerns of Europe—this was the opportunity for permitting the Bank to resume cash-payments. For his own part, if he had been one of the most strenuous opponents of the Bank-restriction, he should not have thought the present a fit opportunity for removing it: because, anxious as he was for the resumption of cash-payments, he was on that very account the more anxious that the resumption should be safe, and that no mischief might accrue from the necessity of again recurring to a paper circulation. These were the observations which

he thought it his duty to make on the general question; and as to the particular motion, the House had in fact been inquiring into the subject ever since it had been sitting; for information had been laid before it day after day. And could their lordships believe that an inquiry by a committee would lead to any other result than to bring forward the mere speculations of two or three individuals? The House was already possessed of all the necessary information, or if not, it might apply for more. He would have another opportunity, when the bills came before the House, of resuming the discussion of these topics; for the present he would content himself with what he had already stated, declaring only, in addition, that he would put his negative on this question.

The Marquis of *Lansdowne* observed, that the question was, whether, at the end of a long war, during which several expedients had been resorted to for temporary objects—whether after that period of transition from war to peace which had been so much talked of had passed away—whether, under these circumstances, without inquiry, without any assignable principle, and as the mere effect of accident, the House was prepared to continue a system during peace, which had by many been thought inapplicable even to a state of war;—a system which though produced by accident, yet "by the grace of God" had, in the opinion of certain noble lords, proved the wisest that ever was planned. The noble earl had told the House, that he was induced to persevere in what he admitted to be an unsafe and unsound system, because circumstances existed such as had never existed before: and the noble earl, in support of his view, had referred to arguments which had been used in another place, but which, if examined into, would not for a moment maintain his position: for as to the pecuniary transactions with other countries, he supposed that, whether those contracts were made with individuals or with governments, still they must be conducted on one and the same principle; and whatever theory might be broached by the noble earl, yet practice alone must, after all, decide the question. Now practice had clearly shown that no remittance to another country, however extensive, or however repeated, was capable of preventing the remitting country from enjoying its own circulation as free and uninterrupted as before. As an instance he might refer to the Italian states, particularly to Genoa, which, though not by a great deal so rich as this country, was yet able to supply the powers of Europe with loan after loan, without any impediment to its own currency. Holland had during the last century been engaged in frequent and extensive money-contracts: and one house, that of Hope of Amsterdam, had alone lent enough to influence the circulation of the country according to the theory of the noble earl. Yet what was the fact? The circulation had never been checked, and Holland had considered such transactions as a trade highly beneficial to the state. And in the present, indeed, in all cases, it must be considered a beneficial trade when the richer country lent to the poorer. Again, what was there new in the present relation of this country with respect to France? In the early part of the last century, similar successes to those of the present day had attended the English arms, and France and England stood on a footing relatively the same. At that time the money transactions between this country and our neighbour were so extensive and so general, that in common language among the French, the terms "Anglois" and "Creancier" were synonymous; and when a man said he was going to pay an Englishman, he meant generally that he was going to pay a creditor. So much for the novelty of the pecuniary situation of the two countries. As to the argument founded on the number of absentees, which he understood had been used in another place, it was really the last thing he should have expected to hear: the removal of a few families, whether for luxury, for convenience, or for economy, could not in the smallest degree affect this question. There was a striking proof of this in the condition of Ireland. The absenteeship from that country was, no doubt, both morally and politically, injurious: but if even an Irish parliament, not the first political economists in the world, had been told that it affected their finances, they would have laughed in the face of the chancellor of the exchequer who told them so: for the contrary was so much the fact, that during the period when absentees were most numerous, there was a remarkable abundance of the precious metals. Then as to the bad harvest, that, he supposed, must be assumed never to have happened before: it was an entirely

new thing in agricultural history: it was unheard of, till the cash-payments were suspended; otherwise, he could not see what it had to do with the present question. But it was alleged that the Bank were perfectly willing and ready to resume their payments in specie; if so, it was rather curious that they should have increased their issue of paper to such an extent; this really seemed an odd preparation for a cash-payment. But the fact was, that the Bank would not lose by resuming payment in specie: by withdrawing the precious metals to a certain extent from other countries, a demand would be raised for them in the same proportion, and a profitable channel would be necessarily created for their circulation. Though only 10,000,000*l.* might be withdrawn out of the 100,000,000*l.* or the 50,000,000*l.* of gold, which, according to different persons, were said to be the amount of the circulation in Europe, yet the demand for the sum so withdrawn, and the consequent profit on its re-issue would of course be in proportion. He would not say that this cash-payment could take place immediately; he did not believe it possible, from the double operation pursued by the Bank, of at once extending their issues, and collecting all the gold to the amount of fifteen millions from the continent; but some certainty ought to prevail as to the period for the resumption; and as an indispensable preliminary step, the issue of paper ought to be limited. When the noble earl said that no inquiry was necessary, it ought to be recollected, that there was no authentic information before the House, whether the Bank in their issues were governed by the actual demand upon them, or by the advances required by government, or merely by what did not return upon their hands. All this ought, however, to be known before the restriction was continued, which assuredly ought not to take place with less inquiry than was bestowed on a turnpike or canal bill. Before he dismissed this part of the subject, he must refer to the state of the penal laws as to forgery. That some laws were necessary for the security of the Bank paper, he was not prepared to deny; still less was he prepared to admit that the present were the most effectual for that object; and he conjured their lordships to weigh well that awful increase, and almost necessity of temptation, which the present system generated—a temptation which persons, in other respects wise and virtuous, had not been able to resist—a temptation which at every moment presented itself to the poor man as the ready mode of relieving the wants of himself and perhaps of a starving family. That this evil was referable to the paper system appeared from this—that the prosecutions for forgery had increased in an uniform ratio since the Bank Restriction act, and in the very first year the increase was one hundred. Nor was this all: the prosecutions for coining had, since the same act, increased nearly in the same ratio, being in three years more than double what they were before. He knew not to what causes to ascribe this evil, except to the habits of immorality consequent upon the temptations offered by the paper system, and in some degree to the depreciation of the silver currency, which was also referable to the same source. The county of Lancaster, which had been quoted by the noble earl with so much triumph on account of its resistance to the system of country banks, might also be quoted in illustration of the temptations to forgery arising out of the Bank Restriction act; for on account of the extensive transactions in that county, and its distance from the metropolis, which rendered the chance of detection less probable, the number of forgeries had been immense, and the loss to individuals had been consequently as great as the immorality was alarming. As to the new scheme relative to country banks, he was ready to admit, that when he first heard of it, he was disposed to approve of it; but farther consideration had made him alter his opinion. This plan was recommended on two grounds—first, as a palliative for the continuance of the Bank restriction. Now in this point of view it was somewhat curious, that the remedy was not to come into use till the evil had entirely ceased; for as it was said, the Restriction act was only to last for a year, and the remedial bill was not to take effect till 1820, surely the remedy was superfluous: for if the Restriction act were removed, country banks would at once drop with it. And here he must enter his protest against the doctrine, that the country banks which had failed, had failed on account of the agricultural distress. The noble earl seemed to have forgotten that in Scotland where the agricultural distress was greatest, there was not one failure. But it was said, secondly, that the measure of restraining country banks

to the issue of notes above 5*l.* would check dangerous and ruinous speculations. For his own part he did not think so: the large speculators in land, whose schemes were likely to affect the country banker, could not have much to do with small notes. It would be large sums that he would borrow, and it would be in large notes that he would be accommodated. The plan, in his opinion, would have a tendency to take these banks out of the hands of landholders, who were for the most part concerned in them at present; nor could he see any other advantage likely to result from it, than an artificial rise in the funds —a rise, which was no more a proof of wealth, than a forced colour was an indication of health. If it should be decided, that the Bank restriction ought to be continued, he should think it his duty to call the attention of their lordships to the effect of the continuance of the paper circulation on the morals of the people, and on the criminal law of the country: so that if nothing else were done, at least some measures might be adopted which should render the manufacture of bank notes more difficult, and consequently diminish the temptation to a crime which was visited by such heavy punishment. He was perfectly convinced that something must be done: he did not mean to say that he himself was acquainted with any scientific plan for that purpose; but he had reason to believe that a remedy was practicable; and their lordships must feel how desirable it was, to relieve the community from the dreadful operation of that criminal code from which judges and jury now shrunk with equal pain. He should, therefore, think it necessary to bring the subject before their lordships at some seasonable opportunity.

The Earl of *Harrowby* contended, that nothing that had been urged in support of the motion could be sufficient to induce the House to believe, in opposition to the clear and explicit statement made by his noble friend, that it was the intention of government at any time to make the restriction of cash payments by the Bank a part of the permanent system of the country. It might be convenient to continue the measure for another year, while the exchanges remained in their present state, though it might be and would be highly inexpedient to take any step that would prevent a return to the ancient circulation. The noble marquis who had just taken his seat, had adverted to the injury done to the morals of the country, as well as to the melancholy loss of human life, by the continuance of the restriction. He was ready to allow that no expense ought to be spared by the Bank to prevent, by ingenious expedients, the forging of their notes; but it should be recollected, that if the prosecutions for imitating Bank of England notes had been more numerous of late years, prosecutions for forging the current coin of the realm had also increased. Though this was in itself a melancholy consideration, yet, in the present state of things, it did not seem easily avoidable; for to diminish the severity of the punishment would multiply the instances of the commission of the crime. With regard to the continuance of the Bank restriction, there seemed to be some slight discordance between one part of the speech of the noble marquis and another. The noble marquis admitted, that it was not possible to discontinue it, and yet he showed from the instance of foreign states, that it ought to be discontinued. The question was not now, whether the restriction should or should not be taken off at any future time, but whether at the present moment it was expedient to do so. He was decidedly of opinion that it ought not. There never was a time when the circulation of Bank notes was more useful, and when the danger of reducing them would be so great. At all times the change must be difficult and delicate; but at present the risk that would be incurred rendered it impossible.

Lord *Sidmouth* wished to state a few facts with reference to one part of the speech of the noble marquis; but in the first place, he desired that it should be clearly understood that he gave his hearty concurrence to all that had been said on both sides of the House, as to the necessity of giving every encouragement to ingenuity to prevent the forging of Bank notes. There was no object more desirable both in a moral and in a political point of view. Considerable mistakes prevailed, however, as to the numbers of the persons tried and executed for forging bank notes. By a return on the table it appeared that in 1806, no person was executed; four were executed in 1807; two in 1808; two in 1809; five in 1810; none in 1811; seven in 1812; two in 1813; one in 1814; three in 1815; four in 1816; and five in 1817. During the thirteen years previous to the Bank restriction, the number of

persons prosecuted for forging bank notes was four; but for forging the current coin 808 persons were tried. During the twenty-one years since the passing of the Bank restriction, the number of persons prosecuted for coining (including dollars and tokens) was 3,099, and for forging bank notes 988; so that the prosecutions by the Bank did not amount to one-fourth of the number of persons prosecuted for coining.

The Marquis of *Lansdowne* asked, if those prosecutions included persons convicted of having forged notes in their possession, as well as for forging?—The answer was in the affirmative.

The Earl of *Lauderdale* insisted, that all that had been advanced showed still more decisively that inquiry was necessary. Two years ago it was solemnly promised by ministers, that the restriction should not be renewed. Then they asked for one year more, and then for another, engaging that when those periods had expired, cash payments should be resumed. Now, however, the restriction was, for the third time, to be continued, and all the reasons that had been urged in its favour would equally prevail on the 5th of July 1819. His lordship pressed the necessity of investigation on the subject of exchanges, and the effect of foreign loans, contending that their operation had been much exaggerated.

The motion was negatived without a division.

HOUSE OF COMMONS.

Monday, April 20.

Account of the Income of the Royal Dukes.] Mr. Arbuthnot presented the following

Return of all Income received by their Royal Highnesses the Dukes of Clarence, Kent, Cumberland, Sussex, and Cambridge, arising from Military, Naval, or Civil Appointments, Pensions or other Emoluments; as well as all Grants out of the Admiralty Droits made to them since the year 1800.

ANNUAL INCOME.

	£.	s.	d.	£.	s.	d.
His Royal Highness the Duke of Clarence,						
Out of Consolidated Fund	20,500	0	0			
As Admiral of the Fleet	1,095	0	0			
As Ranger of Bushy Park; which is appropriated to pay the Fees and Claims of subordinate Officers	187	9	8			
				21,782	9	8
His Royal Highness the Duke of Kent,						
Out of Consolidated Fund	18,000	0	0			
As Governor of Gibraltár, with Staff Pay, and Contingent Allowances	6,517	18	4			
As Colonel of the Royal Scotch Regiment of Foot	613	2	6			
As Ranger of Hampton Court Little Park; which is appropriated to pay the Fees and Salaries of subordinate Officers	74	3	4			
				25,205	4	2
His Royal Highness the Duke of Cumberland,						
Out of Consolidated Fund	18,000	0	0			
As Colonel of 15th Regiment of Hussars	1,003	10	10			
				19,008	10	10
His Royal Highness the Duke of Sussex,						
Out of Consolidated fund				18,000	0	0
His Royal Highness the Duke of Cambridge,						
Out of Consolidated Fund	18,000	0	0			
As Colonel of the Coldstream Guards	882	15	7			
				18,882	15	7

Note.—Beside the Incomes derived from the above-mentioned sources, their Royal Highnesses the Dukes of Kent, Cumberland, and Cambridge, draw some emolument from the allowance for clothing their respective regiments; but the amount thereof cannot be stated, as it fluctuates according to the number of men required to be clothed, the station on which the regiments may be serving, and the prices of the articles furnished.

GRANTS OUT OF THE ADMIRALTY DROITS.

	£.	s.	d.	£.	s.	d.
To his Royal Highness the Duke of Clarence ..8th April, 1806				20,000	0	0
To his Royal Highness the Duke of Kent, 10th Oct. 1805	10,000	0	0			
8th April, 1806	10,000	0	0			
				20,000	0	0
To his Royal Highness the Duke of Cumberland, 14th Oct., 1805	15,000	0	0			
8th Apr., 1806	5,000	0	0			
				20,000	0	0
To his Royal Highness the Duke of Sussex, 8th April, 1806				20,000	0	0
To his Royal Highness the Duke of Cambridge, 8th April, 1806.....				20,000	0	0

Note.—On the 15th October, 1813, the sum of 20,000*l.* was advanced by way of loan to his Royal Highness the Duke of Clarence, to be repaid by quarterly instalments of 500*l.* each; of which six instalments have been repaid.

On the 14th July, 1806, the sum of 6,000*l.* was advanced by way of loan to his Royal Highness the Duke of Kent; of which two instalments of 500*l.* each have been repaid.

Whitehall Treasury Chambers, 20th April, 1818.

C. Arbuthnot.

The Budget.] The House having resolved itself into a Committee of Ways and Means,

The *Chancellor of the Exchequer* expressed his regret, that what he had to state that evening should cause the slightest delay in any other proceeding before the House; but he wished to press upon the attention of the committee a subject of peculiar importance, and hon. gentlemen must be aware, that whenever pecuniary transactions had taken place between the government and individuals it had always been deemed proper, in order to avoid all risk, and to prevent all misapprehension, to submit a statement of them to parliament as soon as possible. It was, therefore, the practice to allow the consideration of a loan to take precedence of all other business. Under these circumstances he should claim the indulgence of the committee while he made a statement to them of the highly favourable terms on which a bargain had been arranged for a very large sum of money; and which, although not completely carried into effect, was so within the comparatively small sum of seven or eight hundred thousand pounds. But even this slight deficiency was in such progress of fulfilment, that he should be wanting in justice to the subscribers and to the public if he did not take this early opportunity of calling for the approbation of the committee, and for their sanction to the terms on which the transaction had been arranged. Before, however, he proceeded to detail those terms, it might be expected from him that he should enter into that general statement of the financial operations for the year with which it was usual to accompany the communication of the most important financial measure for the session. It was his intention briefly to do this; although he was sensible that he should address the committee to some disadvantage, because the papers containing the annual accounts of the year had not been presented, and therefore gentlemen would not be able immediately to verify his statements, or to obtain that full information which they would have possessed had the subject been brought forward at a later period of the session. But as those accounts would soon be laid on the table of the House, any hon. gentleman, in the future stages of the proceeding that might arise out of the propositions of that evening, would enjoy an ample opportunity of supplying any deficiency that might appear in his (the chancellor of the exchequer's) communications, and of making any farther observations that the importance of the subject might seem to require. Notwithstanding therefore, the absence of the accounts to which he had alluded, he thought it proper to make a general statement of the financial situation of the country.—It must be recollected that the sums for nearly all the operations of the year had already been voted, so that he could now state the amount of the supply

and the ways and means of the year, with but few exceptions. The committee were aware that they had already voted the navy estimates, the army estimates (with the exception of the barracks, the commissariat, and the extraordinaries) and the ordnance estimates; and a considerable progress had been made in the miscellaneous estimates, although some items still remained to be granted. By referring to the votes, the committee would find the sums that had already been granted. The sum intended for the army extraordinaries was 1,400,000*l.*; the particulars of which would on a future day be submitted to the committee. The votes which had already passed for the army, added to this sum which it was proposed to vote for the extraordinaries, would make a total for the army in the present year (exclusively of the troops in France) of 8,970,000*l.* Last year the vote for the army had been 9,412,373*l.* In both cases were included the expenses of the disembodied militia, which had not been voted last year until a late period of the session, but in this had been added to the general vote for army services in the committee.—The sum voted for the navy last year was 7,596,022*l.* In the present year it was 6,456,800*l.* The expense of ordnance in the present year, including the naval ordnance, which had formerly been voted under the head of navy but which he thought best to refer to the general head of ordnance, was 1,245,600*l.* Last year it was 1,270,690*l.* The miscellaneous estimates in the present year were 1,720,000*l.*; in which however he of course did not include the sum of 1,000,000*l.* granted for the building of new churches and chapels. He had thought it best not to include that sum in the accounts of the year, as exchequer bills were to be issued for the specific purpose of providing for it. In the miscellaneous estimates, however, was included the vote of 100,000*l.* for the augmentation of small livings. Last year the miscellaneous estimates amounted to 1,795,000*l.*—The total of the supply, therefore, under the various heads which he had enumerated was 18,392,400*l.* Last year it had been 20,074,091*l.*—To this sum of 18,392,400*l.* were to be added 2,000,000*l.* for the interest of exchequer bills, and a sinking fund on them of 560,000*l.*; making the grand total of supply 20,952,400*l.* That for the last year was 22,304,091*l.*—He thought it very probable that in consequence of the arrangement that had been made for funding a large proportion of the outstanding exchequer bills, there might be a saving upon the interest; but it must be recollected that, whether that should turn out so or not, provision had already been made for them. In addition however to the regular services which he had mentioned, there were some few items of expenditure, already voted by parliament, that remained to be provided for. The first was the grant of 725,681*l.* 12*s.* 3*d.* for fortifications in the Netherlands, in pursuance of the treaty of 1815; but it was not intended to propose any addition to the burthens of the country on that account, as the expense was to be defrayed out of the French contributions in the hands of the commissioners. The second item was the sum of 400,000*l.*, which had been voted for carrying into execution the treaty with Spain for the abolition of the Slave trade. Another extraordinary item was 259,686*l.*, to supply the deficiency of the ways and means of last year—not arising out of any failure of the ways and means themselves, but from the circumstance of the vote for the charge of disembodied militia, to the amount of 300,000*l.*, which took place last session after the other supplies had been voted, and the ways and means provided. This charge had formerly been paid out of the land tax, in the nature of an anticipation of the payments into the exchequer; but it had been thought that it would be more regular to vote it in the committee of supply, that in common with the other expenses of the country, it might be brought more distinctly before parliament. The deficiency which was now to be voted, was the difference between the sum of 300,000*l.* voted for the purpose he had already described, and the small excess of the ways and means of last year above their estimated amount. These two extraordinary payments which were this year to be provided for, amounted to 659,686*l.*, which added to the regular supplies for the service of the year, made 21,011,000*l.*—He should now briefly state the manner in which he proposed to provide for this sum. In the first place there was the vote of 3,000,000*l.* on the annual taxes, which it was unnecessary to explain, as the same vote was proposed yearly. The next sum was 3,500,000*l.* on those excise duties which by law were continued till 1821. It would be found, by reference to the accounts, that in the

year ending the 5th of April 1818, those duties produced only 3,184,950. But from the state of progressive improvement in which they now were, there was a fair prospect that within the year 1818 they would produce three millions and a half. The next item was the usual sum of 250,000*l.* by way of lottery. The sale of old naval stores it was estimated would produce a similar sum. In 1817 it would be seen that they produced 400,000*l.*; but it was obvious that the sum produced from that source, must diminish with the duration of peace. In the present year the commissioners of the navy have calculated the produce at 250,000*l.* This sum was of course but a conjectural estimate, though there was reason to believe that it had not been taken too highly. The next item arose from some considerable arrears to be received on the property tax. In the last year 1,522,648*l.* had been received from that source. Still 350,000*l.* remained to be collected, of which it was calculated that about 250,000*l.* would probably be received in the present year. There was also a sum of 21,448*l.*, arising from the profits resulting from the loan of 1,000,000*l.* of exchequer bills granted last year, to promote public works and for the general employment of the poor; which profits the commissioners for managing that loan had already paid into the exchequer; and much more was expected to be returned in the course of the current year. The total amount, therefore, of what might be called the ready money of the ways and means, was 7,271,448*l.* He did not this year mean to take credit for any surplus on the consolidated fund; for although he had no doubt that there would be a considerable surplus, yet he did not believe it would be more than sufficient to replace the deficiencies of the income of that fund in former years. Those arrears however would this year be discharged, and in the next year he hoped a very considerable sum would be at the disposal of parliament, from the surplus of that fund.—Comparing the sum of 7,271,448*l.*, which he had already described as the ready money of the ways and means, with the sum of 21,011,000*l.*, which he had stated to be the total amount of the supplies, it would appear that there was a sum of about 14,000,000*l.* to be provided for, for the service of the year. With a view to provide for this sum of 14,000,000*l.*, and also to effect a considerable reduction of our unfunded debt, ministers had resolved to enter into the arrangements which it was now his duty to explain to the committee. In the first place it would be necessary that he should state the objects which government had in view in these arrangements; the principal of which was, by funding a certain portion of exchequer bills, to effect a considerable reduction in the unfunded debt. The committee must be aware that it was always usual to take the earliest opportunity after a peace, of funding a great part of the floating debt, which never failed to accumulate in time of war. There was no doubt, an unusual amount of this debt at present, which government had been naturally anxious to reduce as soon as circumstances might favour the operation, but respecting which, it had not until that time been deemed advisable to take any step. It might be recollected, although perhaps it was not a matter of any great consequence, that in 1816 he had given a sort of notice of his intention after the expiration of two years of peace, to propose the funding of a certain amount of exchequer bills. If the state of our finances had not been so favourable as to warrant the execution of his intended plan, he should certainly not have considered himself bound to act according to the notice he had alluded to; but he had the satisfaction to say, not only that the expectations which he entertained in 1816 were realized, but that he was enabled to do much more than he had at that time led the House to expect, or to hope. It was a fact, that although the unfunded debt had increased to a great degree since the peace, that accumulation was not productive of any detriment or inconvenience to the country; but still it was not deemed consistent with sound policy, or with the financial principles which had always regulated the conduct of the British government, to allow such an accumulation to continue, much less to increase. The considerable addition to our unfunded debt within the last two years—amounting to no less a sum than 18,000,000*l.*, was notoriously the inevitable result of the decision of that House, to put an end to the tax on property. But although (as he had already said) no public inconvenience was occasioned by the amount of our unfunded debt, still it was thought inexpedient farther to prolong the existence of such a debt as fifty or sixty millions; because, in the event of any public alarm or danger, of which, how-

ever, he had no apprehension, the existence of such a debt might be productive of serious mischief. Prudent ministers, finding the state of the funds, with the general circumstances of the country favourable for the purpose—finding also, that there was a great overflow of money in the market, would certainly consider the present as an advantageous moment at which to reduce the floating debt. He put it to the committee whether it was probable that a more favourable opportunity than this would present itself? The funds might and probably would be higher; but that could not be expected at any early period to afford the means of making a more beneficial arrangement than that which he was about to show had been concluded. By this arrangement the expectations which he held out in 1816 had been more than fulfilled. There were some persons no doubt who had objected to the increase of the unfunded debt since the conclusion of peace; but he was always of opinion, that such increase was much preferable to the contraction of a loan. The committee might perhaps do him the honour to recollect the opinion which he had expressed on this subject in 1816. At that time he asserted the policy of rather issuing exchequer bills to meet the exigencies of the year, than of borrowing money or contracting any loan; and he stated that, besides the saving of interest in the bargain he had made with the Bank, if the sum then raised by exchequer bills should be repaid by some future loan, the saving to the public might be considerable. On the same occasion, he had expressed his opinion of the expediency of funding exchequer bills whenever the 3 per cents should rise to seventy-five. They were now at eighty. Time therefore he was glad to say had justified his opinion; for no less than two millions were saved within two years to the country by preferring the issue of exchequer bills to the contraction of any loan, and it was now proposed to fund twenty-seven millions of those bills, an amount much larger than he had anticipated. But, were the whole of the outstanding bills, beyond the amount which it must be considered as desirable to keep outstanding during peace funded at once, he had the satisfaction to say, that no addition would be made to the capital of the national debt beyond that at which it stood at the conclusion of the war. For gentlemen were perhaps not aware of the progress that had been made by the sinking fund during the peace. Such had been the progress of that fund that no less than 50,000,000*l.* of capital stock had been reduced by it since November 1815;—he meant that the amount of the debt on the 1st of November 1815 was 50,000,000*l.* higher than it was at the moment he was speaking. This reduction of the debt to so great an amount must have had the effect of clearing the market of stock, and of removing the apprehensions arising from so great an annual expenditure.—By the quantity of unfunded debt which it was now proposed to fund, he hoped the money market and the public credit would be so much improved, as to lead to very important ulterior consequences—he meant to the reduction of the four and five per cents. He entertained a hope that the accomplishment of this desirable object might be looked for at no very distant period. Such indeed was the improved state of the money market, that although it might, not be expedient to propose such a reduction within the present year, it might he thought, be confidently looked for within the next session. But he did not altogether despair of being able to bring forward such a measure even within the present session. He should now state the principle on which the present plan was founded. The object of ministers had been to raise a considerable sum of money for the service of the year without increasing the nominal capital of the debt, by creating out of the 3 per cent stock a stock which should bear the interest of 3½ per cent; while the existence of such a stock would naturally serve to facilitate the reduction of the 4 and 5 per cents; for the 3½ per cents would rise to par sooner than the 3 per cents; and if the holders of the 5 per cents were to be reduced to 4 per cent, instead of this 3½ stock, there might be an apprehension entertained by them that they would be eventually reduced to 3, which by the terms of the contract for the creation of the 3½ per cent stock they were secure from for 10 years. On those grounds he looked to the new stock as the means of affording great facilities for the reduction of the four and five per cents; while the creation of that stock produced no addition to the nominal capital of the debt. It was proposed that the new stock should consist of 27,000,000*l.*, by which the sum of 3,000,000*l.* would be raised for the public service, by the pay-

ment of 11 per cent, on the sum transferred as a compensation for the difference of value between a $3\frac{1}{2}$ and a 3 per cent. fund. It was also proposed to fund exchequer bills to the amount of 27,000,000*l.* The terms had already been before the public. The subscriber would have to pay 11*l.* for every 100*l.* stock, transferred from the 3 per cent into the $3\frac{1}{2}$ per cent stock. The actual difference considered in the light of an annuity between the 3 and the $3\frac{1}{2}$ per cent funds would have been when the offer was made 13 per cent; that was supposing the price to be 78. In this offer a fair and free bonus was held out of two per cent; but were it not for the protection to be afforded to the $3\frac{1}{2}$ per cents by the purchases of the commissioners for the reduction of the national debt, the difference would indeed be extremely small. The public would be a gainer on the whole transaction of 3,000,000*l.* He had also been encouraged to make the present experiment, from the success of an arrangement sanctioned by parliament last year for legalising the transfer of 3 per cent stock into the Irish $3\frac{1}{2}$ per cents, by the sacrifice of a seventh of the capital so transferred. This plan had been acted on last autumn to the amount of half a million; a material sum considering the circumstances of Ireland. But such transfer manifesting the willingness of stockholders to avail themselves of a proposition for the investment of money in a $3\frac{1}{2}$ per cent fund, and the Irish proprietors in the British stocks so promptly making the transfer with the view of having their interest paid to them in Dublin, it struck his mind that other holders of the 3 per cents might be equally ready to seek an advanced interest on their capital in London. Hence the present plan was brought forward. In the original notice at the Bank, it had only been stated that a subscription would be opened for raising a part of the supply of the year, and it was proposed that the parties transferring their stock should have the option of funding exchequer bills to the extent of double the amount of the money to be paid as the consideration for the exchange of 3 per cents into a $3\frac{1}{2}$ per cent stock. Under this plan 6,000,000*l.* of stock had been subscribed for transfer within the first three days.

After this time a farther opportunity was offered by the second notice for funding exchequer bills to the amount of a sum equal to the stock transferred. This was so much approved of that nearly the whole sum had been raised at the time he was speaking, and there was no doubt of its speedy completion. The addition to the funded debt in consequence of the propositions which he had to submit would be about 34,900,000*l.* of stock, which however would only produce an augmentation of the nominal capital of the public debt beyond the money actually raised to the amount of between four and five millions, being the difference between the above sum of 34,900,000*l.* and that of 30,270,000*l.* either of money to be paid in, or of unfunded debt reduced. According to the last intelligence from Ireland, he understood that the price of $3\frac{1}{2}$ per cents in that country was 93; which bore a full comparative proportion to the English 3 per cents. Apprehensions had been expressed, that the new stock was not likely to be so marketable, and therefore that it would sink in value. But it would be recollected, that it was the duty of the commissioners for the redemption of the national debt, to apply the sinking fund to that stock which could be had on the best terms, and that it was therefore in the power of those commissioners always to maintain the new stock in its relative proportion. They had indeed such a command in the money market as would enable them effectually to guard against any undue depreciation of the new stock. In order to put the committee in more complete possession of his plan, he would read it to them in its detailed form:—[*see opposite*].

The committee would observe that the rate of interest was lower than could have been expected at the termination of an expensive war, and under all the circumstances in which the country was placed. This interest it was proposed to provide for by cancelling stock according to the act of 1813. If the committee would compare the terms on which 11 millions of naval exchequer bills were funded in 1785 by Mr. Pitt, with the present plan, the difference in favour of the latter would be immediately seen. The funds were only at 56 in 1785, which was a period of peace; but by the operation of the sinking fund, which had enabled the country to make such extraordinary efforts in the late war, the funds were at 57 even at the close of that war, and they were now as high as 80. With this fact before the committee and the public, every man

CHARGE in respect of the ADDITIONS to the PUBLIC FUNDED DEBT of the UNITED KINGDOM, created for the Service of the Year 1818; calculated on the Principle directed per Act, 53 Geo. III. cap. 35. sec. 5.

				Interest.			Sinking fund.			Management.			Total Charge.		
				l.	*s.*	*d.*	*l.*	*s.*	*d.*	*l.*	*s.*	*d.*	*l.*	*s.*	*d.*
3,000,000	0	0	Subscriptions in money, at the rate of 11*l.* per Cent, to convert Three per Cents into Three and a Half per Cent Stock	136,363	12	10½							136,363	12	10½
			Capital and Charge created by 57,857,700 l Exchequer Bills Funded, at the rate of 6*l.* Three per Cent Consols and 0*l.* Three per Cent. Reduced, for every 100*l.* in Exchequer Bills												
18,444,755	4	0	Capital created by 14,849,956*l.* the amount of the Sinking Fund at 5th Jan. 1818, and on which a Sinking Fund of One per Cent is calculated	553,342	13	1¼	184,447	11	0¼	5,533	8	0¼	743,323	12	7½
16,464,300	16	0	Capital created by 12,500,744*l.* being the Excess beyond the Amount of the Sinking Fund, at 5th January, 1818, calculated upon a Sinking Fund of half the Interest	493,929	0	5¾	246,964	10	0¾	4,939	5	0½	745,832	16	6
34,909,056	0	0	Total Capital created by Funding Exchequer Bills	1,047,271	13	7	431,412	1	3	10,472	14	3¾	1,489,156	9	1¾
			Total Charge by Funding Exchequer Bills	1,183,635	6	3¾	431,412	1	3	10,472	14	3¾	1,625,520	1	10¾
			Total Charge upon converting 3*l.* per Cent into Three and a Half per Cent. and by Funding Exchequer Bills	On Exchequer Bills funded.			On Subscription of 11*l.* in Money.			On both Transactions.					
				3	16	9¾	4	10	10½	3	13	9¾			
			The Rate of Interest per Cent to the Subscribers	5	9	3¾				5	7	4½			
			The Rate per Cent paid by the Public including all charges												

must see that no doubt could be entertained of the success of the new stock. Of that success those most interested and most competent to judge were already fully assured. Some doubt he understood had been expressed whether the holders of exchequer bills would be willing to fund them on the terms proposed; but he apprehended that there was no ground for such doubt; first, because it was for the advantage of those holders to subscribe, and secondly, because he never remembered an instance in which subscribers had declined to perform the optional part of their engagement.—Adverting to the act of 1813, and reverting to the charge of interest, he observed, that it was his intention to propose that that charge should be defrayed out of the sinking fund. This proposition, however, he meant to bring forward on another day, taking care to provide that no reduction of the sinking fund should take place within the present year. The committee would remember that by the act of 1813 it was provided that there should be a reserved sum of 100 millions of stock in the hands of the commissioners for the reduction of the national debt for certain purposes, and he was happy to say, that of that sum about 90,000,000*l.* had already been provided. A sum of 84,000,000*l.* had indeed already been advertised in the Gazette. The charge of interest upon this occasion, or any other charge to be imposed upon the sinking fund, he proposed to have defrayed in such a manner, as not to reduce the present amount of the fund in the hands of the commissioners. To the reduction of that fund, he was indeed by no means disposed to assent; and therefore his purpose was, that the after-purchases of the commissioners should be employed to defray those charges. But he would not enter further into that subject at present, for that would be to anticipate the discussion of a future day. Reverting to the improvement of the revenue, he observed, that it afforded a most gratifying reflection. That improvement was indeed such in the excise, from which the condition and consumption of the people might best be estimated, that the receipt of the last quarter, compared with the corresponding quarter of last year, was improved more than 10 per cent, the increase having been 509,750*l.* on a revenue of 4,640,000*l.* The excise war duty of the last quarter exceeded in amount the corresponding

quarter of the last year by near 90,000*l.* Nor were the customs duties less promising in their appearance than those of the excise. There was one circumstance with respect to them to which it was necessary the committee should refer the forming their estimate of that branch of the revenue. In consequence of the additional duty of 3*s.* a cwt. to be paid on sugar after the 5th of January 1818, a larger portion of the sugar duties had been paid in anticipation; so that, in the quarter before the last, five or six hundred thousand pounds had been paid of those duties which, in the fair routine of the revenue, would have been paid in the last quarter. Nevertheless, the amount of the customs duties of that last quarter exceeded by above 90,000*l.* that of the corresponding quarter, and might have been expected, if this circumstance had not taken place, to have exceeded it by six or seven hundred thousand pounds. Calculating on all these circumstances, and looking at the general improvement in the commerce and manufactures of the country (of which the committee must themselves be perfectly aware) it was impossible not to anticipate, that so large an increase would take place in the revenue before the close of the year, as to add considerably to the consolidated fund. It was not his intention, however (as he had already stated), to call on parliament for any grant from the consolidated fund in the present year: but next year he hoped, that a considerable sum might become available from it for the public service. For the charges thrown on the consolidated fund this year, he should propose no new taxes. He would at all events abstain from doing so till next year, and in the interim, he hoped the circumstances of the year or the consequences of the great measure now submitted to the committee, would furnish the means of providing for them in a manner the most satisfactory to the public.—The right hon. gentleman concluded by moving the following Resolutions:

1. "That, towards raising the supply granted to his majesty, every person who shall, on or before the 24th of April 1818, have subscribed his name in the books of the governor and company of the Bank of England, for the purpose of converting not less than 2,000*l.* capital stock in the 3*l.* per cent, consolidated, or 3 per cent reduced annuities, into annuities at the rate of 3*l.* 10*s.* per cent per annum, shall upon the transfer of such 3*l.* per cent annuities to the account of the commissioners for the reduction of the National Debt, and upon payment to the chief cashier or cashiers of the governor and company of the Bank of England, at the times hereafter mentioned, of the sum of 11*l.* in money for every 100*l.* of the said annuities, be entitled to 100*l.* in annuities, after the rate of 3*l.* 10*s.* per cent per annum, which annuities shall be charged upon the consolidated fund of the United Kingdom of Great Britain and Ireland, and shall be payable half yearly at the Bank of England, on the 5th of April, and the 10th of October, and shall be transferable in the books of the governor and company of the Bank of England; and the whole of the money to arise from the payment of 11*l.* on each 100*l.*, 3*l.* per cent consolidated or reduced annuities to be subscribed, or to be transferred as aforesaid, shall not exceed the sum of 3,000,000*l.*

"That every person subscribing 3*l.* per cent consolidated or reduced annuities, into annuities bearing interest at the rate of 3*l.* 10*s.* per cent shall transfer the amount of 3*l.* per cent annuities subscribed to the account of the commissioners for the reduction of the National Debt, at the following times, viz.; every person subscribing 2,000*l.* and less than 50,000*l.* of such annuities, shall transfer 15*l.* per cent thereof to the said commissioners on any day between the 28th day of April, and the 4th day of May 1818, on which the books of the governor and company of the Bank of England shall be open for making transfers, and the remaining 85*l.* per cent on or before the 2d day of June 1818; and every person subscribing 50,000*l.* and upwards of such annuities, shall transfer 15*l.* per cent thereof on the 28th or 29th of this instant April, and the remaining 85*l.* per cent on or before the 27th of November next.

"That the said sum of 11*l.* in money for every 100*l.* of 3 per cent consolidated or reduced annuities so subscribed to be transferred to the account of the commissioners for the reduction of the National Debt shall be paid to the chief cashier or cashiers of the governor and company of the Bank of England, on or before the days and times hereafter mentioned, viz.; 1*l.* at the time of subscribing, by way of a deposit, and as a security for making the further payments. 1*l.* on or before the 19th of June 1818, 1*l.* on or before the 24th of July, 1*l.* on or before the 7th of August, 1*l.* on or before the 4th of September, 1*l.* on or before the 16th of October, 1*l.* on or before the 13th of November, 1*l.* on or before the 4th of December, 1*l.* on or before the 15th of January 1819, 1*l.* on or before the 5th of February; and 1l. on or before the 5th of March.

"That every subscriber who shall on or before the 4th day of February 1819, pay the whole of his subscription, shall be allowed an interest by way of discount, after the rate of 2*l.* per cent per annum on the sum so advanced for completing his subscription, to be computed from the day of completing the same to the 5th day of March 1819.

"That every person who shall, on or before the 2d of June 1818, have transferred to the account of the commissioners for the reduction of the National Debt the whole of the 3*l.* per cent consolidated or reduced annuities subscribed by him, shall be entitled to the principal sum of 88*l.* in annuities at the rate of 3*l.* 10*s.* per cent for every 100*l.* 3*l.* per cent annuities so transferred, such annuity at the rate of 3*l.* 10*s.* per cent, to commence from the 5th of April 1818; and every person who shall after the 2d day of June and before the 27th of November, have transferred to the account of the said commissioners the whole of the 3*l.* per cent consolidated or reduced annuities subscribed by him, shall be entitled to the principal sum of 88*l.* in annuities at the rate of 3*l.* 10*s.* per cent for every 100*l.* of 3*l.* per cent annuities so transferred, such annuities at the rate of 3*l.* 10*s.* per cent, to commence from the 10th of October 1818; and every person who shall, on or before the 5th of March 1819, have paid to the chief cashier or cashiers of the governor and company of the Bank of England the sum of 11*l.* in money for every 100*l.* of 3*l.* per cent annuities subscribed by him, shall be entitled to the farther pincipal sum of 12*l.* in annuities at the rate of 3*l.* 10*s.* per cent for every sum of 11*l.* so paid, such annuities to commence from the 5th day of April 1818; and such annuities at the rate of 3*l.* 10*s.* per cent per annum shall not bereduced, nor shall the principal sum of such annuities be paid off, at any time before the 5th day of April 1829.

"That the commissioners for the reduction of the National Debt be authorized and required to purchase the said annuities after the rate of 3*l.* 10*s.* per cent in the proportion of at least 1*l.* per cent per annum on the capital to be created, whenever the principal sum of 100*l.* of such annuities can be purchased for less than 100*l.* in money.

"That the annuities at the rate of 3*l.* 10*s.* per cent shall, under the provisions of an act made in the 57th year of his present majesty, intituled, 'An Act to permit the transfer of capital from certain Public Stocks or Funds in 'Great Britain to certain Public Stocks or 'funds in Ireland,' be transferrable into annuities at the rate of 3*l.* 10*s.* per cent, payable and transferrable at the bank of Ireland; and every person transferring such annuities payable at the Bank of England shall be entitled for every 100*l.* so transferred to the principal sum of 108*l.* 6*s.* 8*d.* in annuities at the rate of 3*l.* 10*s.* per cent payable at the bank of Ireland.

"That every person who shall have completed the transfer to the account of the commissioners for the reductien of the National Debt of the whole of the 3*l.* per cent consolidated annuities subscribed by him, shall be entitled to a dividend or interest at the rate of 15*s.* for every principal sum of 100*l.* in such 3*l.* per cent consolidated annuities which may have been so transferred, such dividend or interest to be paid at the Bank of England on the 5th of July next ensuing, provided the whole of the 3 per cent consolidated annuities subscribed by such person shall be transferred to the said commissioners on or before the 2d of June, or on the 5th of January next ensuing provided the whole of the 3*l.* per cent consolidated annuities subscribed by such person shall be transferred to the said commissioners after the 2d of June and before the 27th of November next; and after payment of the said dividend or interest, the whole of the said consolidated and reduced annuities which may be transferred to the said commissioners shall be cancelled, and the dividends on such annuities shall be no longer payable.

2. "That, towards raising the supply granted to his majesty, every person who shall, on or before the 24th of this instant April, have subscribed his name in the books of the governor and company of the Bank of England for transferring to the account of the commissioners for the reduction of the National Debt 3*l.* per cent annuities for other annuities at the rate of 3*l.* 10*s.* per cent, shall be at liberty to subscribe his name in the books of the said governor and company on the 28th or 29th of April, or the 2d of May next, for converting into 3*l.* per cent consolidated and reduced annuities, upon the terms and conditions hereafter mentioned, any exchequer bills already issued, or which may be issued before the 1st of August 1818, and which may not have been advertised to be paid off before the respective days of payment hereafter specified, to an amount not exceeding 100*l.* in exchequer bills for every 100*l.* of stock subscribed to be transferred to the account of the commissioners for the reduction of the National Debt; and that every such person shall at the time of so subscribing his name make a deposit with the chief cashier or cashiers of the governor and company of the Bank of England, equal to 5*l.* per cent at least, on the amount of exchequer bills so subscribed, as a security for delivering into the office of the paymasters of exchequer bills the amount of exchequer bills so subscribed in manner following; viz. 20*l.* per cent on or before the 1st of August; 20*l.* on or before the 3rd of September; 20*l.* on or before the 1st of October; 20*l.* on or before the 31st of October. The remainder on or before the 26th of November. And that whenever the deposit shall have been made at the Bank in money as aforesaid, the paymasters of exchequer bills shall, so soon as the subscriber shall have brought in exchequer bills to the whole amount of his subscription, return to such subscribers the amount of such deposit; or such deposit may be taken into account as a part payment of the subscription of such subscribers.

"That every person who shall have made a deposit at the Bank of England to the amount of 5*l.* per cent on the exchequer bills subscribed by him, shall receive from the

paymasters of exchequer bills a certificate or certificates upon which a receipt for the deposit made at the Bank of England shall be written; and such certificate or such certificates shall be carried to the office of the paymasters of exchequer bills at the time of making every future payment, the receipt for which shall be written thereon; and when the whole amount of exchequer bills expressed in such certificate or certificates shall have been acknowledged to have been received by the paymasters of exchequer bills, such certificate or certificates being carried into the Bank of England, and lodged with the governor and company of the said Bank, shall entitle the person or persons holding the same, for every 100*l.* principal money contained therein, to 64*l.* capital stock in the 3*l.* per cent consolidated annuities, the interest whereon shall commence from the 5th day of January, 1818, but the first payment shall not be made until the 5th day of January, 1819; and to 64*l.* capital stock in the 3*l.* per cent reduced annuities, the interest whereon shall commence from the 5th of April, 1818, and the first payment to be made on the 10th of October next, if the subscription shall have been completed on or before the 3rd of September next; but if the subscription shall not be completed until after that time, the first payment shall not be made until the 5th of April, 1819.

"That the interest on all exchequer bills which shall be deposited at the Bank of England, or which may be carried into the office of the paymasters of exchequer bills as aforesaid, shall be computed up to the 1st of August next inclusive, from which time the same shall cease, and the interest which may be due on such bills from the day of their date up to the said 1st of August shall be paid by the said paymasters as soon as conveniently may be after the said bills shall have been deposited or delivered in.

"That every such subscriber as aforesaid who shall be desirous of making up any part of the subscription in money instead of exchequer bills, shall be at liberty to do so, upon paying the same into the Bank of England to the account of the paymasters of exchequerd ills, together with a sum equal to 1*l.* per cent upon such money payment; and also if such payment should be made after the 1st day of August next, a further sum, equal to two-pence per cent per diem on the amount of such payment in money, to be computed from the said 1st of August; and the paymasters of exchequer bills shall, upon the payment to their account being duly certified to them, grant a receipt on the before-mentioned certificate for such payment, in the same manner as if exchequer bills had been brought into their office.

"That all the monies to be received by the cashier or cashiers of the governor and company of the Bank of England, or which may be paid into the Bank to the account of the paymasters of exchequer bills shall be paid into the receipt of the exchequer, to be applied from time to time to such services as shall have been voted by this House in this session of parliament.

"3. That, towards raising the supply granted to his majesty, there be issued and applied the sum of 3,500,000*l.* out of the duties granted by an act made in the 56th of his present majesty, intituled 'An Act to 'continue until the 5th of July, 1821, certain 'additional Duties of Excise in Great Bri-'tain.'

"4. That, towards raising the supply granted to his majesty, there be issued and applied such sum or sums of money not exceeding 250,000*l.*, arising from arrears of the duties on property, professions, trades, and offices, granted by an act made in the 46th year of his present majesty, as shall be paid into the exchequer between the 5th of April, 1818, and the 5th of April, 1819."

The first Resolution being put,

Mr. *Brougham* said, he wished to make a few observations on what had fallen from the right hon. gentleman, although, considering the great multiplicity of the details into which the right hon. gentleman had necessarily entered, it could not be expected that he should follow him throughout the whole of his speech. There were, in his opinion, many things in the statement of the right hon. gentleman, and in the principle on which he founded that statement, that had an obvious tendency to conceal from the committee what appeared to him to be the sum and substance of the measure which the right hon. gentleman was proposing. The great and new plan of finance broached by the right hon. gentleman, seemed to resolve itself into this (and if he misunderstood it he should be happy to be set right), that a clear deficit existing of somewhere about fourteen millions, that deficit must someway or other be supplied; and this great and new plan consisted in some way or other borrowing the sum necessary—in contracting, in fact, a new loan either from a three and a half or a three per cent stock the interest of which (to be charged on the sinking fund) would amount to nearly 1,200,000*l.* Whatever might be the details of the proposition, that, he conceived, to be the result, or, in vulgar language, the upshot of it. Now, after three or four years of peace, he, for one, could not consider that a state of things in which such a proceeding became necessary, was at all flattering. The right hon. gentleman, indeed, appeared to entertain very sanguine hopes—

hopes grounded on a comparison of the receipts of one branch of the revenue in the last quarter, with the corresponding quarter of 1817. Whether it was probable that the right hon. gentleman's hopes would be realized, was a question into which he would not then stop to inquire; but the fact evidently was, that after three or four years of peace, so far were we from being able to make the two ends of our finances meet, that a clear deficit existed to the amount which he had already stated; and that the means resorted to to supply that deficiency were the old war means of a loan, the interest of which was to be paid, not on the old war system, but by charging it on the sinking fund. On this view of the subject, he confessed that he felt it to be wise and prudent to withhold; until he should be further advised, any congratulations to the committee on the state of the country. The invention of the new stock of three and a half per cent. was another matter on which, with his present information, he must be allowed to withhold his felicitations. This stock, according to the right hon. gentleman's representation, appeared to be intended for a kind of half-way house for the four and five per cents. in that journey downwards, which the right hon gentleman seemed confidently to anticipate they would make at no very distant period. The right hon. gentleman entertained hopes, that at no distant day he might be enabled to induce the holders of four and five per cents to transfer their stock to a fund bearing a lower interest; and the right hon. gentleman said, that if he had allowed the stocks to remain as hitherto, divided only into three, four, and five per cents, he should have found it difficult to effect his purpose; and that there having been hitherto only the three per cents into which the four and five per cents could be commuted, he had devised this new plan of a three and a half per cent for the future accommodation of the holders of four and five per cents. The right hon. gentleman had declared, that the advantages of his new plan in this respect were as plain as possible; for that if a holder of five per cents were required to commute his stock for a stock bearing a lower interest, he would rather change it;—he supposed the right hon. gentleman was about to say, for three and a half per cent stock than for three per cent.; but no—he would rather change it for three and a half per cent than for four! And the reason assigned by the right hon. gentleman was, that the holder of five per cents, thus at once commuting his stock for three and a half per cent, would feel confident that it would never be reduced lower. For his own part, if he had the good fortune to be a large holder of five per cent stock, and if he were asked whether he would commute it for stock at four, or stock at three and a half per cent, he confessed that he should think the right hon. gentleman's argument, by which he would persuade him to prefer the three and a half per cent, very metaphysical. He would beg to have the four per cent stock in the first instance, and to talk about the three and a half at leisure—knowing at least this, that while he retained the four per cent. stock, he should be enjoying a half per cent more than he would have done had he embraced the other branch of the alternative. But on what ground was any holder of five per cent stock to entertain a confidence that if his stock were reduced to three and a half per cent it would never be reduced still more? The same cause, namely, the rise of the funds, which would give the chancellor of the exchequer the power of inducing the holder of five per cents to accept of a similar amount of stock in the four per cents, might, if progressive, enable him to induce the holder of stock in the three and a half per cent to accept of a similar amount of stock at a less interest. He was at a loss, therefore, to see what temptation there was to the holders of five per cents (in the event of circumstances warranting any change) to take these three and a half per cents in preference to four per cents.: and if there was no such temptation, he wished to know with what public benefit this new and grand financial invention was pregnant?—He could not close the few observations which he had taken the liberty to make on this subject, without entering his solemn protest against one part of the right hon. gentleman's budget. He meant that by which it was again proposed to raise a sum comparatively paltry and contemptible, by way of lottery. He begged the committee to remark, in addition to all the objections that had so long existed to this way of raising money, a peculiarity in the present instance—a gross and palpable inconsistency in the two parts of the budget, the expenses, and the ways and means. When his hon. friend, the mem-

ber for Worcester, (Mr. Lyttelton) so forcibly argued the abandonment of the lottery, the right hon. gentleman had not a word to say in reply. His answer was a mere subterfuge to enable him to escape from the effect of his hon. friend's observations, and to cling to this favourite mode of finance. The right hon. gentleman admitted that it was liable to all the objections which had been adduced against it by his hon. friend; he did not deny its immoral and pernicious tendency; but all that he urged was, that government could not afford to give it up, and thus do what his conscience told him ought to be done, with a due regard to the morals and happiness of the community. Now, however, while still clinging to this method of raising money, there was to be found in the same budget, in which it was again brought forward, an item of 400,000*l.* to be paid to the Spanish government for the relinquishment of the Slave trade, as a fit sacrifice to that justice and morality, which by the grossest inconsistency, the proposition for raising a sum of money by way of lottery tended to trample under foot. Did he (Mr. Brougham) object to this grant of 400,000*l.* for the purpose he had mentioned? By no means. He had stood by the right hon. gentleman when he made the proposition to the House. He had answered those hon. members on his side of the House who objected to the proposition. He had contended that it was money well bestowed, for that it was bestowed on higher than financial grounds. But then, on the same principle, he objected to this proposition for raising money by lottery. He objected to it on higher than financial grounds. He could not conclude the desultory observations with which he had troubled the committee, without entering his protest against this proposition; for although he knew that there were other honourable members who would do so with greater effect, he could not allow the first opportunity of contending against the continuance of so base a resource, to pass, without availing himself of it.

Mr. *Grenfell* wished to offer a few remarks on the statement which had been made by his right hon. friend the chancellor of the exchequer. After considerable expectation—an expectation that had existed from the commencement of the session—on the subject of his right hon. friend's plan of finance, it was at length before the committee. He confessed, that when he considered the details of this plan, he felt a considerable degree of disappointment. His right hon. friend well knew (for he had stated it to him elsewhere), that he disapproved of his new plan, on the ground that in was an injurious and extravagant bargain for the public. By this plan his right hon. friend raised three millions, for which he was to pay an interest of above four and a half per cent. In other words, he gave an annuity of three pounds for sixty-six pounds, and while he did this he was funding exchequer bills at 79. Why was such a sacrifice made? The sacrifice was thirteen pounds in sixty-six, which was as nearly as possible twenty per cent, or 600,000*l.* on the three millions. He could discover no object—no advantage whatever derivable to the public from the sacrifice of this enormous sum, but the contingent, the prospective, and even, according to the right hon. gentleman, the doubtful one of, at the end of ten years, inducing the holder of the three and a half per cents to take three per cent for his money. It might be his want of comprehension, but he really could not understand why it was necessary at the present moment to create a three and a half per cent stock, in order at some future period to induce the holder of four or five per cents to take it in commutation. Why do this now, instead of waiting to do it until the stocks should have attained to the elevation which would render the change practicable? He begged to say a few words as to the option to be given to the subscribers of exchequer bills to fund them now, or to wait until after the 2nd of May, an advantage which to those subscribers was almost incalculable. If stocks rose by that period beyond 79, the subscribers would cheerfully fund; if they fell to 75, they would make their bow to his right hon. friend, and say, they would have nothing to do either with him or with his exchequer bills.

Mr. *Maberly* thought very differently from the hon. gentleman who had just set down of the bargain that had been made by the chancellor of the exchequer. He was of opinion that the right hon. gentleman had a right to congratulate himself on having made a bargain so advantageous to the public; although he allowed that he did not altogether approve of the option to be given to the subscribers of exchequer bills. In the statement

which the right right hon. gentleman had made, he had not told the committee the amount of the deficiency this year in the consolidated fund, but merely that the surplus of the revenue would stand for that deficiency. He wished to know what that deficiency was; because, if he understood rightly, the interest of the national debt was charged on the consolidated fund, and if that fund were not large enough to furnish the interest, he was desirous of knowing how the deficiency was to be met.

The *Chancellor of the Exchequer* observed, in answer to the hon. and learned gentleman, that the deficiency of fourteen millions arose in a great measure from circumstances which would not recur. Among other items, a considerable part of it proceeded from the charge on the unfunded debt. The charge voted this year on the unfunded debt was 2,600,000*l.* Next year he expected the outstanding exchequer bills would not exceed 40 millions, which would occasion a reduction of charge of 900,000*l.* In the ways and means of next year, he confidently expected an increase that would occasion a considerable surplus in the consolidated fund. In answer to the hon. gentleman who last spoke, he observed, that the deficiency of the consolidated fund amounted on the 5th of January to somewhat less than two millions, which deficiency, however, was susceptible of diminution. The hon. and learned gentleman had declared his surprise that he should entertain an expectation that the holders of five per cents should be induced to prefer the three and a half to the four per cents, on the ground that the three and a half per cents were not liable to reduction. In the first place, they could not be reduced for ten years. It was likewise to be observed, that, approaching as the three and a half per cents did to the lowest rate of interest, there was less probability of their reduction. When it was considered that they must rise much above par before any reduction could be attempted, they must be very sanguine indeed with respect to the prosperity of the country, who looked for a speedy reduction of them. As to the option given to the subscribers to exchequer bills, he had not meant any imputation when he had said that he had never known an instance o subscribers declining to fulfil their engagement, although optional; not that it would be dishonourable should they not do so, but because, as in the present instance, it was beneficial to them to do so. But suppose that a fall in the funds (which, if it were to take place, he was persuaded would be but temporary), were to induce the subscribers to avail themselves of the option, there would be nothing alarming in that. The utmost inconvenience would be some farther consideration of the ways and means, and he was already aware of a remedy for the evil.

Mr. *Frankland Lewis* said, he could not congratulate the public on a bargain in which money was to be borrowed at four and a half per cent when any individual could go into the market and borrow money at four per cent. He had no doubt, that if government thought fit they might resort to the old mode of an open loan, instead of the present plan of a close loan, in which they restrained themselves from borrowing from any except those who had before lent; thus narrowing the number of competitors, and in consequence increasing the terms. It turned out, that when the plan came to be tried, although the interest offered was above the market price, the mode of negociating the transaction was found so inconvenient, that the money which it was originally proposed to borrow could not be raised. A sum of three millions, however, had been raised; and although the loss to the public on this sum was not so great as if the plan had been more successful still it was a considerable loss. The right hon. gentleman boasted of it as a great advantage to the public, that no addition was made by this plan to the capital of the debt. But a great addition was made by it to the interest of the debt. Surely that was no great subject for congratulation. It was said, that the creation of the three and a half per cent stock would pay the way for the reduction of the four and five per cents. That, however, could not take place until the funds were considerably higher than at present. It could not take place until the three per cents were considerably beyond 90. He agreed, therefore, with the hon. gentleman who immediately followed the chancellor of the exchequer, that it was illusory to suppose, that the reduction of the five per cents would be hastened by the creation of this three and a half per cent stock; and that the creation of it might with great propriety have been postponed until the period at which it was wanted. He objected to the peculiar appropriation of the sink-

ing fund to this new stock. It was not placed on the same grounds, with respect to the sinking fund, as the other descriptions of stock. In fact, the sinking fund was a nominal piece of machinery, which, if such plans as these were persisted in, could be productive of nothing but uncertainty and confusion. At the present moment, the commissioners for the reduction of the national debt were paying off the three per cents, the actual interest of which was 3*l.* 10*s.* per cent while the right hon. gentleman was borrowing three millions, for which he was to pay 4*l.* 10*s.* per cent. It was clear and palpable that such a transaction as this must be injurious to the public interest.

Mr. *Hart Davis* admitted, with the hon. member who had just set down that it would be impossible to equalise the interest of the 5 and 4 per cents to the 3½, with a saving to the public of the difference; but though the whole of the difference might not be saved, yet a part of it might, and a considerable advantage be derived thereby. He would suppose that the 3 per cents were at 85 or 86, and the 3½ at 99, then the equalisation might be made of the funds alluded to, by allowing a bonus to the holders. By this a saving of nearly two millions would be made.—The hon. gentleman then went into some other observations on the proposed plan. The reason, he said, why the plan, which was an advantageous one, was not more freely accepted at first was, that the value of the 3½ per cents had not yet found their level in the market: but in the next year, when their actual worth should be known, a loan offered in them would be most readily agreed to, because the public would then perceive the advantage they had in it.

Sir *J. Newport* said, that he could not see the advantages to the country in the terms of the proposed plan, which some gentlemen seemed to think they possessed. He viewed it, he believed, in its proper light, when he looked at it as the commencement of a system of appropriating the sinking fund, but not in that manner which was likely to be most serviceable to the country. The commissioners were here tied down in their purchases, and a guarantee was given that the interest was not to be lower. As the three and a half per cent stock now to be created, was not to be redeemed for ten years, nor the interest reduced, he wished to know if all the three and a half per cent stock to be thereafter created was to be secured in the same way. If this was not to be done, he desired to know where the line was to be drawn, and whether one part of the three and a half per cent stock was to be regulated one way, while the other parts of the same stock were subjected to different rules. He thought there would be a marked distinction made between the stock now to be created and that which was saleable at any hour, and was of opinion that it would be no easy task to bring it up to its full nominal value.

Mr. *Huskisson* said, he understood his right hon. friend, the chancellor of the exchequer, to say, at the opening of his speech, that the commissioners for the reduction of the national debt, should purchase a certain portion of this stock whenever it should be under par; but when it was below the level of the market, they might think it expedient to purchase more. His own opinion was, that if they should think it cheaper to purchase in this stock than in any other, it would be a great dereliction of their duty if they did not purchase in it. With respect to some observations that had fallen from his hon. friend (Mr. F. Lewis), he must say, that they appeared paradoxical He had called the plan of his right hon. friend, a close loan. Now this was rather a curious term to apply to a proposition, which gave notice to every man who could purchase 2,000*l.* 3 per cents to become a subscriber. It was also objected by his hon. friend, that the government were paying 4*l.* 10*s.*, whilst individuals could borrow the same money at 4*l.* per cent. He was happy to hear that such a facility in getting money on interest now existed. But if by the operation of the new plan, the 3½ per cent should soon be nearly at par, the conversion of the 5 per cent stock would be both advantageously and easily effected. He considered, therefore, the benefits of the plan to be evident, inasmuch as it went to produce a great deduction in the nominal amount of the debt, whilst on the sum of 3,000,000*l.* it afforded a saving of 21,000*l.* to the consolidated fund. The present measure had been resorted to, it should be remembered, after a year of great depression. Till the unfunded debt was brought down in amount to what it might stand at during a time of peace, it was impossible to tell the exact state of our revenue and expenditure. After a year in which the revenue had fallen off by four millions, we had still a

real sinking fund to the amount which remained between the sum wanted to cover the ways and means of the year, and the 14,000,000*l.* set apart for the sinking fund. To keep the actual sinking fund up to 14,000,000*l.* in a time of peace would not be wise, as the burthens it would throw on the people would be found intolerable; but such a reduction of the national debt should be provided for as would secure us the means of successfully meeting any future struggle, if we should unhappily again find ourselves in a state of war. Those who had spoken on this subject had not sufficiently discriminated between a budget of peace and a budget of war. In war, the measures necessary to be adopted would not admit of delay: but now the chancellor of the exchequer was not so pressed as to be obliged to accede to any terms which did not appear to be advantageous to the country. Any thing like a permanent arrangement would be better postponed till next year, when they would be able to judge what the income of the country was likely to be. At the close of former wars such a course had been pursued, and no permanent arrangement had been decided upon, until the charges of the war had been provided for, and merged in the funded debt of the country.

Mr *J. P. Grant* observed, that a larger rate of interest was to be paid on the capital borrowed than was necessary, because it was the will of ministers to have a large sinking fund. He did not like the plan of keeping down the nominal amount of the debt, and paying a large annuity on it. To him it was clear, that by paying 4*l.* 10*s.* interest for a loan, when they might have obtained one at 4*l.* they made an unprovident bargain. He then entered into a series of statements explanatory of the charges that would fall on the country in consequence of the measure now before the House, and strongly condemned the application of the sinking fund to pay the interest of the public debt. Thus used, the sinking fund became but a mere machine, which threw on the country the expense of its management, without producing any of the advantages which the people had been taught to expect from it, as it was only made use of as a part of the ways and means of the year. He could not see any thing in the plan now brought forward, on which he could congratulate the House; but he thought it proper to lose no time in calling on the chancellor of the exchequer distinctly to state, what his permanent plan of finance was to be, instead of going on as he had hitherto done since the termination of the war, raising loans year after year, without either admitting or denying the ways and means of the country to be equal to its expenditure.

Mr. *C. Grant* jun. contended, that the plan proposed to the committee was, in several respects not a new one. The creating a fund not redeemable within a certain time, was a plan founded by that statesman whose greatest monument was the sinking fund; for in creating the five per cents it was determined by Mr. Pitt, that they could not be redeemed until 25 millions of the four per cents were paid off, so that the present was not the first instance of the interference of parliament with the power vested in the commissioners of the national debt. The plan proposed by the chancellor of the exchequer was one which went to lessen the nominal amount of the debt—a principle which he thought was most laudable, for every writer of eminence on the subject of finance had condemned the practice of making the debt of the country nominally greater than it was. A nation, it would not be denied, ought not to pay more than it received, though, under circumstances, this rule might be departed from; but as a general one it ought to hold good. If at present a loan of thirty millions were to be taken, adding it to the national debt in the usual manner, it would increase that debt nominally by a great deal more than its real amount, and tend materially to depress the funds; for even supposing the 3 per cents as high as 80, it would be necessary to give 128*l.* stock for every 100*l.* subscribed. This would have the effect of increasing the evil which the proposed plan was intended to avoid. With respect to the terms of the plan, he contended it could not be done on better. He had taken the trouble of making a calculation of it, and he was happy to say there was very little difference between the result and that given by his right hon. friend the chancellor of the exchequer. The average interest was 3*l.* 18*s.* per cent and money could not be had, under any circumstances, for less than 4*l.* 10*s.* per cent. He had made the calculation at the highest at 80*l.* for the 3 per cents, and by that he had found that for a comparatively very small sum a reduction was made of 4,000,000*l.* on the debt. If the amount intended to be raised were funded

in the three per cents taken at 75, it would appear that the present plan was better, and comparing both, that a saving would be made to the nation of 90,000*l.* per annum. He would then defy any man to say that the plan proposed by his right hon. friend was not one which was likely to be attended with the most favourable result in a pecuniary point of view, besides uniting the great desideratum of lessening the nominal capital. With respect to the interest, there was also a great saving, for at present the country paid one per cent for sinking fund on exchequer bills, which, with the interest, amounted to a million. This sum should be paid, whether the present plan were proposed or not, so that in reality the whole of the additional charge would not amount to more than 600,000*l.*

Mr. *Lyttelton* said, he could not permit this question to go to the vote without reminding the right hon. gentleman of one item in his budget—namely, the lottery. He could not refrain from saying a few words as to the inconsistency of the right hon. gentleman on this subject. It was very strange, that while the right hon. gentleman was voting a million towards the building of churches, he should by the lottery system be in fact opening gaming-houses all over the kingdom. The right hon. gentleman had described himself very good humouredly as a "hardened sinner"—an expression which could not have been applied to him with decorum by any other person. But he could not help thinking that the right hon. gentleman would be more accurately described as a soft saint; for he certainly did not stick up to the principles he professed, but bent his morality in order to answer the views of his policy. He trusted the House would not assent to such lax morality; and he now gave notice, that on an early day he should take the sense of the House upon the subject.

Mr. *Grenfell* wished to ask a question of the chancellor of the exchequer. Suppose the 3 per cents at 80 and the 3½ at 91, would the commissioners of the national debt, one of whom was the chancellor of the exchequer, purchase in the latter fund?

The *Chancellor of the Exchequer* said, it would not be decorous in him to state what the commissioners might think it best to do in any given case; but he certainly thought that at present and for several years, it would be advisable for the commissioners to lay out in the 3½ per cents more than the one per cent for the sinking fund.

Mr. *Grenfell* wished to put a question relative to the profits of the Bank in this transaction. The House was aware that on every public loan it had been customary to pay the Bank a large fee merely for receiving the deposits. This fee amounted to 800*l.* on every million. On the last loan the Bank pocketed for this fee no less than 40,000*l.* All the finance committees, those of 1786, 1797, and 1807, had concurred in describing this fee as exorbitant and unnecessary. He wished to know whether the Bank were to make any such charge for the present loan, and if so, at what rate, and whether on the whole 30,000,000*l.*, or only on the 3,000,000*l.*?

The *Chancellor of the Exchequer* said, it was intended that the Bank should continue to receive the fee on deposits.

Mr. *Grenfell* said, that the demand was so obviously objectionable, whether it applied to the 3,000,000*l.* or to the 30,000,000*l.* that, if persisted in, he would take the sense of the House in every stage of the measure.

The Resolutions were then agreed to.

HOUSE OF COMMONS.

Tuesday, April 21.

USURY LAWS.] Mr. Serjeant *Onslow* observed, that the system of the Usury Laws which had so longp revailed in this country, and had been so often objected to, were, in their operation, injurious to the interests of trade, commerce, and manufactures. Many gentlemen, who agreed in opinion on a former occasion, doubted whether the public could be easily brought to a change of mind, as a prejudice existed from the length of time the present practice had obtained. It was also conceived that it was necessary that some alteration should take place in the state of the finances of the country, before any measure of this description could be adopted beneficially. At the suggestion of the noble secretary of state for foreign affairs, he had agreed to let his motion stand over, in order to give farther time for a fuller consideration of its principle and its consequences. Those, however, who had any doubt upon the subject, could have that doubt removed by reading the late pamphlet of Mr. Cook, who had made an important addition to the weight

of authority against the usury laws. The accurate, argumentative, and ingenious production of Mr. Cook was indeed conclusive upon the subject. But the fact was, there was no high authority in favour of the laws to which he referred. Dr. Adam Smith, who was the only individual of any great reputation who had in modern times declared in favour of those laws, had notoriously retracted his declaration, and recommended their repeal. There was no class of the community to whom they were more injurious than to the landed proprietors, for whose protection, it was said, they were intended. Landed men being precluded by these laws from obtaining a loan of money upon such terms as they were willing to offer, were under the necessity of adopting the ruinous system of annuities. During the late war, they felt much inconvenience from this circumstance; for the purpose of raising money, they were obliged to mortgage their property. It was a mistake to suppose that the court of chancery withheld the power of foreclosure in times of distress when applied for in a proper mode. In the cases of negotiations for loans in time of war, the chancellor of the exchequer, both from his present office, and the office he formerly held, must be supposed to have very considerable means of judging of the effects of the laws. But he would particularly appeal to mercantile gentlemen, as to their knowledge of the ill effects of the laws, in times of commercial distress. The chamber of commerce at Birmingham had resolved in favour of the principles of this bill. The chamber of commerce at Glasgow, he believed, had come to a similar opinion. He believed, indeed, that the greater proportion of the whole trading interest in the country were in favour of the bill. Under all his own views of the subject, collected from various circumstances, he should have felt himself justified now in moving for a bill to repeal the usury laws; but he should so far bow to the opinions and doubts of others, as, instead of moving the repeal, to move for the appointment of a select committee. He did not yet know whether his proposition would be opposed or acceded to; but he should not trespass further on the House than by moving, "That a Select Committee be appointed to consider of the effects of the Laws which regulate or restrain the Interest of Money, and to report their opinion thereupon to the House."

General *Mitchell* opposed the motion. He should not have done so, he said, but upon the authority of the most respectable and best informed men of the north of Ireland; persons remarkable alike for their integrity and understanding. Those to whom he particularly alluded were the bankers of Belfast. They had petitioned against the repeal of the law, and expressed their opinion, that if the measure were carried into effect, it would tend both to shake private credit, and to establish an inquisitorial law, by giving to every person disposed to lend, an opportunity of looking into the means and circumstances of the borrowers. Money might now be easily procured at 4*l.* per cent. Was it, then, a time to propose such a committee as this? It was said in favour of the repeal, that landed proprietors were forced to borrow money at exorbitant interest. For his own part he could say, that having had occasion to borrow money, he found no difficulty, even during the war, of obtaining it at 5 per cent. For these reasons he should oppose the motion, and would move the other orders of the day.

Mr. *J. P. Grant* had never heard any person say that these laws ought not to be repealed, though this or that particular time was said not to be proper for it. The bankers of Belfast, however, was of a different opinion, but their reasons were not stated by the hon. general, except merely this, that the repeal would have the effect of an inquisitorial law. This was an objection, the force of which he did not understand. With regard to the time—when the rate of interest was high, it was said not to be a proper season for the repeal. The same objection was made when it was low. The gentlemen of Belfast did not stand upon either ground; they opposed the measure altogether, and that upon no intelligible ground. For himself, he felt convinced that nothing could be more impolitic than the interference of the legislature to fix a maximum in such cases. It produced the worst effects. He trusted that the House would adopt the motion of his hon. and learned friend.

Mr. *Calcraft* said, he retained on this subject the opinions which he had expressed last year. He should vote for the committee, but in doing this, he wished it to be understood that he gave no pledge that he would support the bill which the hon. and learned gentleman wished to

bring in, unless his opinion should be altered by the report of the committee.

General *Thornton* declared himself in favour of the repeal of the usury laws; for he thought the establishment of a maximum was unjust and injurious in all cases, and especially so with regard to money.

General *Mitchell* said, that perceiving the sense of the House was against him, he had no objection to withdraw his opposition.

Mr. Serjeant *Onslow* said, he had never heard an argument of less force than that advanced by the hon. general. The meeting alluded to at Belfast did not consist of merchants but bankers. He had no reason to suppose that this measure would be unacceptable in Ireland. Quite the contrary. There was no part of the empire from which he had received more earnest solicitations to go forward with it. It was likely to prove most useful there, where capital was become so necessary. The influx of it to that country was prevented, in a great measure, by the operation of those laws. The hon. general said, that he had never found any difficulty in borrowing money. The same could not be said by many persons of the most unencumbered estates.

The motion was then agreed to, and a committee appointed.

REPEAL OF THE WINDOW TAX IN IRELAND.] Mr. *Robert Shaw* rose, and addressed the House to the following effect:—Pursuant to my notice, I now rise to move, that the Petition presented by me from the Householders of the City of Dublin for the Repeal of the Window Tax, together with the other petitions from Ireland on the same subject, be referred to a committee. And in submitting this question to the consideration of the House, I have to regret that it has not fallen into the hands of some person more competent to the undertaking than I feel myself to be, on a question of so much moment to the prosperity of Ireland. I must only, therefore, request their patient and candid attention while I state very shortly the strong grounds upon which the citizens of Dublin think themselves justly entitled to the relief they now pray for. I need not remind the House how patiently the city of Dublin has for the last five-and-twenty years borne her share of the general pressure, and how cheerfully she has contributed to the exigencies of the times, during a war as expensive and sanguinary in its progress, as it has been glorious and decisive in its result; she never once made any complaint. As soon, however, as hostilities had terminated in a peace that left this country nothing to fear, a general expectation was felt throughout all parts of the empire, that every practicable relief consistent with the indispensable necessities of the state, would be granted to the distresses of the people; and this House, too, passed a great and decisive step in immediately lessening the burthens of the people in this country; and although, perhaps, there never was a tax in favour of which more could be said upon general principles, at least, than the property tax, still this House felt themselves pledged to the people of England, and justified their confidence, by removing, at once, fourteen millions a year of the public burthens. I mention these circumstances to show the House how they contributed to strengthen the confident expectations entertained by the citizens of Dublin, that in the work of general relief, Ireland would not be the only part of the United Kingdom overlooked by the imperial parliament, and more especially, too, after she had sacrificed all the local advantages of a resident legislature to the general interests of the empire at large.

But, Sir, independent of any such general expectations, they had other, and, in my humble judgment, peculiarly strong grounds for looking forward to the total repeal of the window tax as soon as the war was over, and to claim it not so much from the bounty as the justice of parliament. The tax was always peculiarly obnoxious to the citizens of Dublin for several reasons—its very unequal pressure, the inquisitorial nature of its levy, and the ruinous consequences resulting to the health of the city, from the contrivances of all the poorer classes to evade it; and it is now more oppressive than ever, from their total inability to pay it. On its imposition by the last parliament that ever sat in Ireland, it was at first very generally opposed, until the chancellor of the exchequer repeatedly pledged himself on the part of the government, that it was intended for a war tax only; and accordingly the tax was proposed and enacted, at first, for three years, provided the war should last so long. I hold in my hand an extract of a speech of Mr. Corry's, as

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reported in the Dublin Journal, of the 26th of June, 1800, a paper eminent at that time for the fidelity of its parliamentary reports, and which, with the leave of the House, I shall now read to them. Mr. Corry's speech stated, that, "When the window tax was first proposed, it was on the footing of a mere war tax, to meet the exigencies of the moment; and that in order to render it efficient, it became necessary to give it a retrospective operation; he had already, every time that the subject had been brought before the House, advanced that the tax was not intended to be permanent, but as a mere war provision. On the footing, then, that it was merely a war tax, he hoped to do away every objection to the bill.

I hope I shall not be told that the pledge of one minister is not binding on his successor. Sir, it is of the last importance, that in all transactions between the people and the government, the faith of that government should not only be pure, but above suspicion; and I entreat gentlemen, seriously to consider whether resorting to such an argument may not be received by the people of Ireland as an unworthy pretence for breaking an engagement we do not wish to keep. Mr. Corry was then the financial minister, and as such he pledged himself and the government, of which he was in that instance the accredited organ, that if the Irish House of Commons would grant that tax, their constituents should be relieved from it at the end of the war. The tax was voted and has been levied ever since: the people of Ireland have cheerfully fulfilled their part of this contract; and if the Irish parliament were now in being, is there a doubt that this pledge would have been redeemed on the conclusion of the war? I am sure that I shall not appeal in vain to the justice, to the honour of this House, to redeem that pledge which the Irish parliament, in I might almost say its last moments, gave to the citizens of Dublin. I am satisfied that this House will take care that, in this instance, my constituents shall not suffer for the want of a resident legislature. I spoke of the inquisitorial manner in which this tax has been collected; this is an objection which has been always found to awaken the constitutional jealousy of this House, and perhaps was the efficient cause of the repeal of the property tax. If it be the boast of the humblest man in England that his House is his castle, I fear that under the operation of this act, the people of Ireland have no reason to be very proud of their share of such a privilege.

Are gentlemen aware, that, under the present act, the collectors can demand an entrance into every room in every house in Ireland, from eight in the morning until sunset, and insist upon admission, under a penalty of 20*l.*? I need not say that there might be instances, in the case of sick persons of the other sex, where every gentleman who hears me would recoil at the idea of such an act being rigorously enforced; and I must add in candour, that there is little apprehension of any such abuses in a department under the superintendence of a gentleman, whose talents and assiduity since he became chief commissioner of excise have been gratefully and universally acknowledged; but still it is no answer to the many objections against the harsh provisions of this act, that they are not as rigorously enforced as they might be. It is not to be forgotten, that, harsh as they are, they are still as much the law of the land as the Bill of Rights, and under them a collector, if any house was unoccupied by the absence of the family in the country, or for any other cause, might, after the empty formality of affixing a notice, break open the hall door under the warrant of any inspector of taxes, and seize and sell the furniture he found within. That such scruples are not new and affected on the part of the citizens of Dublin, but recognized and sanctioned by the law of the land, is evident from one fact upon record. The hearth tax was abolished, and the reasons assigned by the legislature, in the preamble of the act abolishing that obnoxious impost (1st William and Mary, chap. 10), which I now beg leave to read, were—"Whereas his majesty being informed that the revenue of hearth money was grievous to the people, was pleased, by his gracious message sent to the Commons assembled in parliament, to signify his pleasure, either to agree to a regulation of it, or to the taking it wholly away, as should be thought most convenient by the said Commons: and whereas, upon mature deliberation, the said Commons do find that the said revenue cannot be so regulated, but that it will occasion many difficulties and questions, and that it is in itself not only a great oppression to the poorer sort,

but a badge of slavery upon the whole people, exposing every man's house to be entered into and searched at pleasure by persons unknown to him: We, your majesty's most dutiful and loyal subjects the Commons, being filled with a most grateful sense of your majesty's unparalleled grace and favour to your people, not only by restoring their rights and liberties which have been invaded contrary to law, but in desiring to make them happy and at ease, by taking away such burthens as by law were fixed upon them, by which your majesty will erect a lasting monument of your goodness in every house in the kingdom; do most humbly beseech your majesty that the said revenue of hearth money may be wholly taken away and abolished." This, Sir, is the opinion expressed by the English House of Commons, so long ago, as to the expediency of this tax, notwithstanding which it is still continued in Ireland.

I have but one other topic with which I would trespass further on the House, and that is one of the first importance, inasmuch as health is the first of temporal blessings, and contagion, for the time, perhaps the most tremendous of all national calamities. During the alarming prevalence of fever this last year in Ireland, it was the unanimous opinion of the faculty, that unless the houses were more generally ventilated, the contagion must spread, and a plague be the consequence. That part of the city of Dublin now occupied by the poorer orders had become miserably unhealthy from the constant devices to evade the tax, by stopping the windows and excluding the light and air, so that the inward part of the dwelling was dark and noisome, and when crowded by fever patients served as so many nurseries for contagion. The danger became so imminent, that the government took the alarm, and the right hon. gentleman, who for so long a period had conducted the administration of Ireland, with equal firmness, temper, and talent, acted here in a manner worthy of himself. Abandoning all minor considerations of revenue to the paramount one of the health and general safety of the community, that right hon. gentleman gave orders that all the windows which had been hitherto closed up, and that were necessary for ventilation, should be thrown open for that purpose, without subjecting the owners to any additional claims on the part of the excise. That order, followed up as it has been by the liberal, prompt, and decisive measures of the administration, for the removal and providing for all fever patients, has preserved Dublin, under Divine Providence, from an impending plague.

For the repeal, then, of a tax so universally odious to the citizens of Dublin, I am now to move on their behalf, and in obedience to their unanimous instructions. I can sincerely assure the House, that upon this question they have but one sentiment. They are all as one man against the tax. They think it unjust in principle, severe and unequal in its pressure, unconstitutional in its levy, and in all its practical effects upon the poorer orders, and endangering the health of the community. But above all, they feel, and feel strongly, that the faith of the government is pledged to the repeal of this tax, and that the exaction of it in a season of universal peace is a continued violation of that engagement. For every reason, therefore, they think themselves entitled of mere right, justice and good faith, to the total repeal of this tax. They have looked for the repeal of it, and the disappointment of last session was certainly felt with great and general bitterness. I never knew the citizens of Dublin upon any other question so solicitous, and, at the same time, so unanimous. I am sure that the voice of the second city of the British empire, and, indeed, I may say, of all Ireland, will never be heard in this House upon any subject with indifference. I have stated the grounds upon which they ask for this repeal, and considering it in a mere financial point of view, what would it cost the public revenue to comply? Why, a sum not exceeding annually 300,000*l.*, a drop in the ocean compared with the vast income of the empire. And I think they will be the more entitled to it, when we take a view of the ordinary and extraordinary resources of the two countries at the end of the war, by which it will appear that Ireland has contributed much more than her proportion according to their respective means. By the Finance returns before this House, for the year ending 5th Jan. 1816, the last year of the war, the nett public income applicable to national objects, and to payments into the Exchequer for England, exclusive of loans, amounted to 79,948,670*l.* 0*s.* 2½*d.*, while that of Ireland for the same period amounted only to a sum of 7,405,324*l.*

17*s.* 7½*d.** Indeed, I believe it is now perfectly well understood and candidly admitted by those who took the most active part at the time of the Union, that two-seventeenths was, considering the comparative resources of the two countries, a larger contribution than should, in fairness, have been assigned to Ireland; and according to the scale of their respective incomes, which I have just mentioned, the ratio of Ireland should not be so much as two-seventeenths, but rather two twenty-second parts; so that the quota of Ireland's contribution even now to the taxes of the empire, ought not to be measured by the proportion which appears to have been unfairly struck at that time; and if any thing was wanted to confirm that, it is the alarming and rapidly increasing amount of the insolvencies, which the commissioners of excise have been obliged to allow in the city of Dublin alone; for by a return which I hold in my hand, and which has only just been printed, it will appear that for the year ending the 5th of January, 1816, the amount was 220*l.* 13*s.* 4½*d.*; on the 5th January, 1817, it amounted to 3,143*l.* 11*s.* 6½*d.* And how does it stand for the last year to the 5th of January 1818? It amounts to 3,791*l.* 11*s.* 6½*d.* besides a very considerable arrear uncollected, all of which there can be but little doubt must be allowed, as we all know with what persevering diligence the collection of the revenue has been enforced in Ireland. I shall, Sir, trespass no longer upon the patience of the House, except by thanking them for the indulgence with which they have heard me; and I cannot sit down without expressing my confident hope, that as this House yielded fourteen millions a year to the voice of the people of England, they will not now deny the paltry sum of 300,000*l.* to the patient endurance and tried loyalty of the people of Ireland. I now move, "That a select committee be appointed to consider the expediency of repealing the Act of the 56th of the king, so far as respects the Tax upon Windows and Hearths in Ireland."

The *Chancellor of the Exchequer* said, that knowing the deep interest which was attached to this subject, it was with extreme regret he felt himself obliged to state his objections to the present motion; but, in justice to the general interests of the empire, he was bound to oppose the hon. gentleman's proposition. The hon. gentleman had rested his motion on two distinct grounds,—first, the expectation which, consistently with the good faith of parliament, was entertained of the repeal of this tax in time of peace; and, next, the oppressive nature of the tax itself, which bore unequally on the community, and the utter impracticability of rendering it extensively productive. With regard to the first of these grounds, it rested entirely on a fallacy. Though it might, when originally proposed in Ireland, have been contemplated as a war tax, yet having been, from time to time, enacted and at length pledged as a security for certain charges on the consolidated fund, it appeared to him to have lost that character; and he conceived the people of Ireland had now no right to demand its repeal, on the ground that the faith of parliament would be violated, if it were not removed. In fact, it could not be repealed, without acting unjustly to the public creditor; and it would be most dangerous, if, to confer a boon on any body of people, the legislature were to depart from those great principles which formed the basis of public credit. If the prayer of the petitioners were complied with, it could not be on any ground except that of commutation or substitution; so that the burthen would necessarily affect them in another way. It was a fact well known, and which showed that the faith of parliament was not pledged for the removal of this tax at the end of the war, that the same chancellor of the exchequer, Mr. Corry, who proposed it in the Irish parliament, made no proposition, at the time of the peace of Amiens, for its repeal. But, if he even had noticed such a pledge, when the peace of Amiens was concluded, the proceedings that afterwards took place in parliament would have removed the effect of such notice. In the next parliament, the tax was continued—though certainly it was in the power of the legislature to have repealed it, if they thought fit, and to have introduced any other tax they pleased to make up for the deficiency which such an act would have created. But it having been pledged for a part of the debt, they could not, on any principle of good faith, have entertained such a proposition.—If it appeared, indeed, that Ireland, had made an exceedingly losing bargain in granting this tax as a security for sums borrowed from the consolidated fund, a question not of good faith, but of

* See Appendix to Vol. 34, pp. ii, lxxi.

liberality, with respect to her, might have arisen. If it could be proved that she brought more than her regular proportion to the consolidated fund of the united kingdom, it would be a reason for entering into a minute consideration of the subject. But this was not the case. The expenditure of Ireland, at the consolidation of the two treasuries, was 6, 500,000*l.*; her revenue was short of 4,500,000*l*; so that the whole deficiency, amounting to 2,000,000*l.* might be said to arise from that consolidation, Ireland not having paid her just proportion. That deficiency she was bound to make good. The war taxes, with respect to that country, as well as this, were kept separate and apart, subject to the view of parliament. The supply for Ireland being raised by loan, considerable taxes were pledged as a security for the necessary charges. Parliament no doubt, on grounds wise and just, thought proper to adopt a different principle with respect to sums raised for Ireland, compared with those procured for the service of this country. Here two millions were raised on additional taxes, without touching that part of the public revenue pledged for the public service; and even now the people of Great Britain paid between 3 and 4,000,000*l.* of continued war taxes, under the head of excise. With respect to Ireland, a different plan was pursued. He should be very sorry to deprive that part of the united kingdom of any relief it could fairly expect. The interests of Great Britain and of Ireland were inseparably united; and it would afford him as much pleasure to remove from the people of Ireland any burthen that might press severely on them, as to relieve any part of Yorkshire from an obnoxious tax.—With respect to the other part of the hon. member's argument, which was founded on the peculiar hardship and unequal pressure of the tax. The hon. gentleman must be aware, that, when in Ireland, he had made some inquiry on the subject, and he was very far from being inclined to believe that the operation of the tax was so oppressive as had been stated. He thought, however, that the assessed taxes, and particularly the window tax, had been increased with a rapidity and to an extent, which defeated the object sought to be attained—that of producing a steady permanent revenue. In saying this, he did not mean to cast any reflections on his predecessor in the office which he now had the honour of holding. He was called on to procure the supplies within the year, and was prevented from adopting other taxes. The necessity of the case obliged him, therefore, to lay the same rate of taxation which was levied in England, on similar subjects of taxation in Ireland. But this mode did not produce such a revenue as was expected from it—With respect to the pressure of the window tax, he begged to observe, that the distress which was felt in Ireland, on account of the scarcity of provisions, necessarily rendered it more than ordinarily difficult to support the pressure of taxation; but it certainly did not go to the extent which some gentlemen had stated. Perhaps, it would not be improper to grant a certain degree of relief to the people of Ireland, with respect to this particular tax. The subject had not escaped his attention, and he had prepared a schedule, from which it would appear that a considerable relief would be extended to them. The general principle would be to relieve the people of Ireland from the additional duty of 25 per cent., which had been laid on a few years ago. The relief to those on whom the tax pressed most heavily would be 25 per cent.; to others a smaller degree of relief would be granted. He was obliged to the hon. member for noticing the rumour, that this tax had tended to produce contagion in Ireland, on account of the obstruction of air, occasioned by the shutting up of windows, because he could give a satisfactory answer to it. His answer was this, that the government of Ireland had authorized the opening of windows, deemed necessary for the health of the inhabitants, without payment of window tax, when application was made for that purpose; so that this tax could not fairly be considered as the means of extending a dangerous malady in Ireland. The government did not suffer financial considerations to interfere with the more important question of the health and security of the nation. He hoped that the distress under which Ireland had laboured, was in progress of removal. He could not look to the accounts laid on the table of the House, connected with this subject, without feeling the utmost satisfaction. He felt a strong conviction, on examining these documents, that the trade of Ireland was improving, that industry was reviving, that property was increasing, and that the comforts of the people were hourly extending. When the exports from this

country, in the last year, were greater, in official value, than in almost any preceding year, he could not but suppose that the prosperity of Ireland had had a proportionate increase. Referring to the consumption of those articles which best showed the state of industry and of affluence in a country, he found it was considerably greater than it had been for some years past. The consumption of tea, wine, and sugar, had greatly increased: and he hoped and believed, from various circumstances, that the clouds which had long hung over the prosperity of Ireland were about to be dissipated. He had already expressed his wish to grant some relief with respect to this particular burthen, and he conceived that the mode which he stated would be more agreeable to the people of Ireland, than the appointment of a committee to consider what was to be done. He should oppose the motion, first, on the ground of the good faith which was due to the public creditor, and next, because he conceived that an immediate relief, to a certain extent would be much better than to wait for the deliberation of a committee, which must necessarily consume a considerable time, and might finally end in an inefficient proposition. When he observed the number of applications for relief, during the present session, from the pressure of one tax and another, in both parts of the United Kingdom, he could not but think it was the duty of parliament to make a firm stand, and only to give way where the distress was most obvious and severe.

Mr. *Plunkett* regretted, that the motion of his hon. friend, introduced as it was with so much candour, moderation, and propriety, had not been acceded to by the right hon. gentleman. In the course of his speech, the right hon. gentleman had expressed the utmost desire to grant every relief in his power to the people of Ireland; but the line of conduct he had pursued was by no means an exemplification of such a disposition. To prove that this was not a war tax, the right hon. gentleman had referred to observations made by the Irish chancellor of the exchequer. He begged leave, in addition to this, to refer the right hon. gentleman to the language of the acts of parliament themselves. The right hon. gentleman would there see clear, direct, and specific evidence, that the tax was only intended as a war tax. It was first introduced in 1799, and the House would find, by the 40th of the king, cap. 4, that the tax was granted for the purpose of keeping up an effective force of 49,973 men—that was for the express purpose of maintaining a war establishment. It was recited, in the body of the act, that the tax was laid on for this purpose, and for no other. If it were not then a war tax—completely incapable of being explained away—he was utterly at a loss to know what a war tax was. In the same session the act of the 40th of the king, c. 52, was passed. By this act, certain regulations were introduced, "for the better collecting rates and taxes on dwelling-houses inhabited, in respect of windows and lights therein, and to prevent frauds—be it enacted, that those houses built before the 1st of January, 1799, shall be rated, according to the windows they then had, for three years from and after the passing of the said act, provided the present war shall so long continue." Now it did surprise him, how the right hon. gentleman, whose acute mind could not have suffered this act of parliament to have passed unnoticed, could, after a reference to it, have had any doubt on the subject of the nature of the tax. But, if he still retained a doubt, he hoped it would not extend beyond the precincts of his own mind, and that the House would agree in opinion, that the tax was clearly a war tax. If, then, it was a war tax, he would proceed to examine the ground on which the right hon. gentleman refused to put an end to it, when an end had been put to the war. He stated, that at the peace of Amiens, the chancellor of the exchequer, Mr. Corry, who had proposed the tax, did not think it right to move for a repeal of it. Now, it did not appear to him to be a fair inference, because a chancellor of the exchequer was not in the greatest hurry—did not seize the earliest opportunity—to remove the burthens of the people, that, therefore, no pledge for their removal had been given. In the short period during which peace then prevailed, it was not surprising, perhaps, that the tax was not taken off. But the people having suffered injustice for a certain period of time, did not furnish a good argument for refusing to do them justice, when their eyes were opened and they applied for redress.—The right hon. gentleman said, it would be a breach of faith with the public creditor, if it were repealed, when it was pledged as a security for a part of the charge on

the Consolidated Fund. The right hon. gentleman had, he conceived, supplied him with an answer to this argument. He was himself ready to give up 25 per cent of this tax. He was willing to break one-fourth of his good faith with the public creditor. In point of principle, he here gave up his whole argument: he left it without support. He (Mr. P.) would wish to keep faith inviolate with the public creditors. Some other tax must be found to pay them; but it was for the right hon. gentleman to devise a tax for that purpose, and not for his hon. friend, who made the present motion, to supply him with ways and means.—He protested, the more he considered the admissions contained in the right hon. gentleman's statement, the more he was surprised at his opposing the proposition for a committee, since a committee was the proper place to consider what modifications ought to be made in the tax.—He should now shortly advert to the produce of the tax. In 1810, it produced 173,509*l*. An additional duty of 50 per cent was then laid on; which, supposing the same number of windows continued to be used, ought to have produced 347,018*l*. An additional duty of 25 per cent was afterwards imposed, which, on the last-mentioned sum, should have given 86,750*l*. The whole amount of the tax, then, according to his calculation, supposing the entire number of windows to have been used, which were taxed in 1810, would be 427,277*l*.—Now what was the fact? In the last year, it amounted to 302,014*l*.—which left a deficit nearer to one-third than one-quarter of the estimated produce of the tax. If this were the fact, it was not difficult to discover the quantity of windows stopped up, and the measure of light and air of which the people of Ireland had been deprived.—The right hon. gentleman said that Ireland had not paid her fair contribution to the exigencies of the empire. This was a position to which he could not accede. Ireland certainly had not paid the 2-17ths stipulated for at the time of the union; and for the plainest of all possible reasons, because she could not—because a burthen, utterly disproportioned to her strength, had been imposed on her. What had been her exertions? The sum now paid into the treasury was three times the amount of her nett income at the time of the union, and, notwithstanding this, the debt of Ireland had increased nearly five-fold since that event. Was not this a proof that, at the time of the union, a mistaken estimate had been made of her powers? The statement sounded very well at the time. It was gratifying to the people of this country to be told—"You are very much in debt, it is true—but Ireland is to pay a considerable portion of it." They were now, however, dealing with sober realities. Ireland would not, for she could not pay it. On this country it must fall. Ireland could not exert herself beyond her strength—she could not pay beyond her means.—[Hear, hear.]—Every part of the empire ought to support the state, and contribute to its exigencies, according to the extent of its ability. He hoped he should not be looked on as an individual, who, in his place in that House, would advise any portion of the people to shrink from bearing their fair share of the public burthens; but resources could not be wrung from an exhausted population. This tax was utterly odious and hateful in Ireland. It was, therefore, the duty of the right hon. gentleman to find some means of filling up any deficiency which its repeal might create, and to bow to the generally-expressed sense of the country. Those who called for the repeal, stood on the ground of the faith of parliament, and on the principle that a war tax should not be continued in time of peace. War taxes to the amount of 17,000,000*l*. were remitted to the people of this country while a trifling relief of two or 300,000*l*. was alone granted to Ireland. The right hon. gentleman had stated, in his place, that it was most important to continue the Income tax: he had declared that the business of the country could not be carried on without it. But the House thought it was just and proper that it should be removed. And, after parliament had declared its sentiments on the subject, what was the conduct of the right hon. gentleman? He felt that it was necessary to pay due deference to their opinion—he came down to the House, and, voluntarily, gave up the war malt tax.—He begged leave to ask, how the right hon. gentleman, acting in his financial capacity for the whole empire, having listened to the voice of the English people, conveyed through their representatives—having obeyed their call, and given up the Income tax—could now refuse to bow to the sentiments of the people of Ireland, expressed in the most unequivocal and most constitutional man-

ner? He spoke warmly—nor was it wonderful that he should, seeing what he had seen in that country with which he was immediately connected—but he meant nothing offensive to the right hon. gentleman, whose wishes for the welfare of Ireland, were, he believed, sincere. The right hon. gentleman had observed, that some relief, granted at the present time, would have a much better effect than any that could be produced by waiting for the result of the deliberations of a committee. He, however, could see nothing to prevent the right hon. gentleman from granting that relief, and acceding also to the proposition for a committee. [Hear, hear!] The committee, he might rest assured, would throw no impediment in the way of any relief he might be inclined to grant. Indeed, having received the boon of which the right hon. gentleman had spoken, the committee could go to work with more spirit. Were the right hon. gentleman to go back to Dublin—were he to notice the unhappy beings whom he would meet in every direction—were he to mark their meagre and famished countenances, and to witness the despair which characterised their looks—were he to know the disappointment which had settled in the minds of the better order of people, deprived as they were of their ordinary comforts—he could not avoid feeling a great anxiety, if it could be reconciled with the public interest, to remove those burthens which pressed most heavily on the people of Ireland.

Mr. *Peel* assured the House, that no man, however nearly connected with Ireland, would be more happy to support any measure favourable to it than himself. He would be happy to afford every relief to the people of Ireland for the great patience with which they had borne all the burthens imposed upon them by the late war; but he thought that nothing was more easy than bringing forward general principles, and applying them as arguments against any particular tax. As far as the case of Ireland was a peculiar one, he thought it entitled to particular attention. If the case which the right hon. gentleman had stated could be made out—if it could be shown that parliament were pledged to the repeal of the tax at the close of the war, there was, he conceived, very little discretion left but to repeal it; but he denied that such a pledge had been given. He conceived that the right hon. gentleman was mistaken in his construction of the act to which he had referred. He should explain the act to the House. When the tax had been first imposed, in 1799 by Mr. Corry, the windows which were opened on the 1st of January in that year were charged. This same regulation was proposed to be adopted in the next year, though it was known that in the interim several windows had been closed up. Several petitions were sent in against it, and it was alleged, as a great hardship, that persons should be charged for windows which they ceased to use; but it was answered, that such a regulation was only to continue for three years, if the war lasted so long. In 1800, there had been two acts passed relating to the tax, one for continuing it, and the other for regulating its collection, according to the first plan, and the words to which the right hon. gentleman had alluded, were not the words of the act for continuing the tax, but of that for regulating it. It was not, therefore, that the tax should cease at the end of three years, if the war continued so long, but that such regulation should only exist for that time. This he conceived was a direct answer to the statement of the right hon. gentleman with respect to the pledge. Indeed, so far was the Irish chancellor of the exchequer of that day from conceiving that a pledge had been given, that when, in 1803, he re-proposed the tax, he denied, in answer to a question from the member for Monaghan (Mr. Dawson), that he had given any such pledge, and the tax was again passed, and he should add, that in 1807, the right hon. baronet opposite (sir J. Newport) had proposed, that several of the war taxes which used to be continued from year to year, one of which was the window tax, should be made permanent, which was agreed to. The right hon. baronet had assimilated those taxes to the system which prevailed in England; but he had formed no exception in favour of this particular tax. One argument had been made use of in support of the proposed measure, namely, that the Irish parliament was pledged to the repeal of this tax; but if the hon. member who made that observation would look to the words of Mr. Corry, the Irish chancellor of exchequer at the time the tax was imposed, he would find that there was no direct pledge given, and that the continuance or repeal of the tax after the war was left as a subject of farther consideration.

—[Hear, hear! from sir John Newport.] He did not understand the reason why the right hon. baronet cheered the observations he had made. If the gentlemen on the other side were of opinion that the tax could be given up without another tax being imposed in its stead, they were much mistaken. The window tax was pledged to the public creditor, and could not in justice be repealed without an equivalent being substituted. If any other tax could be pointed out which would supply the place of that proposed to be repealed, and which would at the same time press less heavily on the people of Ireland, there would be no breach of faith with the public creditor, and it would be their duty to adopt it. But the important question then came, where, and in what manner, could such another tax be imposed? He thought that there would be much difficulty in answering the question. Another argument used by the hon. member with whom the motion originated, who from the fair, temperate, and candid manner in which he had argued the question, was entitled to the greatest respect and attention, was, that the window tax had contributed in a great degree to the rise and progress of contagious fever in Ireland. To that observation he would give what he hoped the House would consider a decisive answer. When in Ireland, he had devoted much of his attention to the subject of contagious fever, and conceiving that the operation of the window tax was likely to increase that disorder by a want of air, in consequence of the windows being closed up, he issued an order to different collectors and inspectors in the districts where the disorder prevailed, directing them to have it made known, that wherever it was found by a physician that windows should be opened in houses where fever existed, there would be no additional tax charged for any windows so opened. He did this, as he felt it necessary to the safety of the inhabitants of the country, that every minor consideration, as to the amount of the tax, should give way to the urgency of the distress caused by the fever. He was perfectly satisfied to be responsible for such an act, if any blame should be cast upon it, as it was justified by the emergency of the case. When this order was issued, the persons to whom it was directed were ordered to make returns of the applications made in the different places for leave to open windows, in order to ascertain how far the tax really operated in increasing the contagion. He would now inform the House what were the returns made on that occasion, from which it would be clearly seen, that the window tax did not at all tend to the increase of fever. In Dublin there was not a single application to open window, in Kildare none, in Waterford none, in Cork none, in Coleraine one. In all, there were only seven applications in Ireland. It was possible that physicians might have ordered windows to be opened in some instances without having informed the inspectors of taxes of it; but such could not be the case to any extent. From this it appeared, that the window tax was not, in any manner, instrumental to the fever in Ireland; besides, if the House would take the trouble to recollect, they would find that the window tax in Ireland was of a different nature from that in England. In Ireland no number under seven windows, and three hearths were taxed, whereas in England and Scotland six windows were taxable; and if the rent of a house was over a certain sum, window tax was charged in England, though the number of windows might be less than six. This was not the case in Ireland; and when it was considered how great a number of houses in Ireland had less than seven windows, it would be seen that the tax affected the poorer classes of that country in a very slight degree. He hoped this argument would not be mistaken: he knew it might be said, that any tax affecting the upper classes of society tended to injure the lower classes also, but his object was, to show that the fever had not increased in consequence of the tax, as the greater number of the houses where it existed never had more than, or so many as seven windows. The window tax was proportionably equal in both countries, and when his right hon. friend, the Chancellor of the Exchequer, proposed to reduce the Irish tax 25 per cent, he did as much as could be done consistently with the state of the country. If more could be done, he, as well as his right hon. friend would feel gratified in doing it. It was their duty to do every thing in their power for Ireland, and though they could not compel the Irish gentry to reside in the country, yet they could hold out inducements to them to do so by lowering the taxes as much as possible. It was contended that the Irish window tax, being a war tax, ought to be repealed in the same manner

that the property tax in England was. But the cases were quite different. There had never been a property tax in Ireland, though there was and is a window tax in England. Looking, therefore, at all the points of the case, considering the numerous applications for the repeal of the duties on salt, leather, and other articles, he thought the reduction of 25 per cent proposed by his right hon. friend, was as much as could be expected, or as could safely be granted, and on those grounds he should oppose the motion.

Sir *John Newport* said, that the window tax affected the great body of the poorest part of the community in Ireland. He alluded to those who resided in lodging-houses in great cities and towns. He denied the statement of the right hon. gentleman, that the shutting up of windows under this tax had not had the effect of spreading more widely amongst the population of Ireland the fever which had proved so fatal. This he stated not on the authority of any ambiguous order, worded so as to prevent, not encourage, applications. He would appeal to the authority of all the medical men who had considered the subject, and who declared, that the shutting up of the windows had produced the most lamentable effects. Dr. Barry of Cork had given evidence on this subject, which was perfectly conclusive. He had stated, that in the lower rooms of houses in that city, where the windows were not blocked up, the tenants were free from fever, while the upper rooms, where there was not a free circulation of air, were filled with contagion. It was stated that, on account of the situation in which Ireland was placed on the consolidation of the two treasuries, she had no right to expect a greater remission of taxes than had been extended to her. To England, 17,000,000*l.* were remitted—to Ireland, 300,000*l.* Why was this inequality? Because Ireland failed to support burthens which were beyond her strength. She, however, took all that her capacity enabled her to take. Ministers pressed more upon her; but her capacity was insufficient to bear a greater burthen. This might easily be proved by a reference to facts. In 1808, the revenue of Ireland amounted to 4,417,000*l.* Since that period taxes were imposed on the suggestion of the finance minister, to the amount of 3,500,000*l.* What was the result? How much did the revenue of last year exceed that of 1808? It exceeded it in the sum of only 50,000*l.* Yes; taxes estimated to produce 3,500,000*l.* had really brought in only 50,000*l.*! This was a decided proof of the inability of the country to pay. When the debts of the two countries were consolidated, ministers expected to realise a large sum by it. Their expectations were disappointed, and their project produced only 50,000*l.* If any other proof of this fact were wanting, it was to be found in the report of the committee that sat up stairs for the investigation of the finances of Ireland. That report stated, that for several years Ireland had advanced in taxation more rapidly than Great Britain herself, notwithstanding the immense exertions of the latter country, with respect to the war taxes. The necessary inference was, that if she had made more extensive exertions than even Great Britain, including her war taxes, when the period of peace came, she ought to be entitled to an equal remission with the former country.—He should now call the attention of the House to the increase of taxation since the union. At that period the window tax was from one to four shillings per window: it was now from three to 14*s.* At the period of the Union there was no horse tax: there was now a horse tax of 2*l.* 17*s.* Tea, of the best kind, paid 7*d.* per lb. the worst 5*d.*:—the tax was now 98 per cent *ad valorem.* The tax on wine had increased in the proportion of five to two, and the revenue had decreased in the proportion of two to five. On an average, the taxes were more than doubled since the Union; and thus individuals, deprived of their comforts, were induced to become absentees. He would submit but one question to ministers: Was it their intention to increase the absentee system in Ireland? If not, would it be prudent in them to augment taxation, together with all the other inducements to absenteeship? By the present system the great number of Irish absentees was kept up; the gentlemen of Ireland being unable to enjoy in that country the comforts of life. He would state one simple fact to the House. There was in the neighbourhood of Coventry a piece of land, to the extent of 450 acres, in the possession of a noble lord, who had immense property in Ireland. For those 450 acres he paid 1,000*l.* in poor rates, while, on the revenue of at least 40,000*l.* which he derived from Ireland, he paid neither to the poor nor to

the state one-tenth of that sum. He strongly recommended to parliament to lessen the taxation on Ireland at present, that she might be better able to bear it at a future period. This would be the soundest policy with respect both to Great Britain and to Ireland, whose interests were, in his opinion, inseparable. There was but one universal opinion in Ireland with respect to the tax under consideration, namely, that it was a tax peculiarly appropriated to the support of the war, and that it was distinctly understood that it was to be remitted on the return of peace. He had entered thus far into the details of the state of Ireland regarding taxation, merely to justify the conduct of Ireland respecting the exertions she had made in the common cause; and he was happy to say, that even the report of the committee on this subject had borne him out in the representation he had attempted to establish, namely, that Ireland had fairly and conscientiously discharged whatever ought to have been expected of her at the period of the conclusion of the union.

Sir *N. Colthurst* said, that after the able manner in which the question had been advocated by the hon. members who preceded him, he had little to add in its favour. He fully agreed with the statements made by his right hon. friend who spoke last, relative to the state of the poor in Cork. He gave the Irish government every credit for the exertions they had made in affording assistance in checking the progress of fever, yet, he must observe, that were it not for the poorer classes having been obliged to stop their windows to evade the tax, the disorder might in a great degree have been prevented. He gave his most cordial support to the motion.

Sir *Frederick Flood* was surprised at the opposition which this business had received from the right hon. the chancellor of the exchequer, more particularly as the indulgence sought had for its object the devising of the best means to preserve the lives of the people of Ireland, whose sufferings that right hon. gentleman had admitted to be extremely severe, one-fourth of which, had it been experienced in this country, would have produced the most alarming effects. This burthen of taxation he would call a mortal burthen; because it affected most materially the lives of many in that country, as had been sufficiently proved by the report of the medical gentlemen of Dublin, who had asserted that not less than 3,000 persons had suffered from the effects of the contagious disease then raging in the capital of Ireland. Would the right hon. gentleman insist that they should still continue to close up their windows, although thereby they opened for themselves sure and certain graves? That right hon. gentleman should recollect how he had entreated the House formerly—"For God's sake, withdraw your opposition for the present, and I will withdraw after the expiration of the war, the tax!" Such had been the understanding respecting the Income tax; and would it be argued, that after so considerable a sum in taxation as seventeen millions, in the shape of income tax, had been given up upon a point of honour, that ministers should turn a deaf ear to the suggestion of honour in this case, and refuse to withdraw so trifling a proportion of the general taxation, which had so eagerly been solicited by the Irish people? If the tax were not given up, the fact would be, that the produce of it would be daily reducing. It would, therefore, be advantageous to government to reflect upon those two political truths—"*Ex nihilo nil fit*," and "*Lex neminem cogit ad impossibilia.*" In simpler phrase, there was no use in attempting to levy a tax where it was morally impossible to enforce its payment—a fact which he was satisfied would be proved upon a reference of the matter to a committee, and he should therefore vote for it. The chancellor of the British exchequer was also chancellor of the Irish exchequer, and he was glad of it, as he was convinced that more knowledge or more humanity could not be vested in any man, and he hoped he would display both by acceding to the repeal of the window tax. At least he hoped, that instead of one-fourth, the right hon. gentleman would agree to remit one-half.

Mr. *Grattan* stated the various grounds upon which he submitted to the House that the tax should be taken off. The first was, that the endeavours to increase its productiveness had all failed, and that instead thereof, the produce of the tax had fallen from 380,000*l.* to 300,000*l.* The second consisted in the avowed inability of the lower orders of the people to pay the tax. The third reason for its abolition would be found in the breach of promise on the part of his majesty's government to the people of Ireland at the time of its enactment. The fourth con-

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sisted in the appeal to the humanity of government, arising from the alarming statements furnished to them as to the progress of disease in Ireland. Without stating it as a subject of accusation, he certainly thought the question of breach of faith on the part of parliament or government was a fit subject for examination in the committee, should the House consent to go into the committee. As to the dangerous prevalence of the fever being in part attributable to the confined air of the abodes of the poor, there could be no stronger proof than the relaxation granted by government, enabling the parties deprived of adequate ventilation to open their windows without being liable to the tax. The question, then, for the House to determine was, whether there was any part of the petition which ought to be examined in a committee. Perhaps the committee might propose an additional modification; perhaps the evil might be in part redressed. He by no means considered the state of our finances such as should produce despondency, but rather revision. There was, therefore, room enough to provide for the redress of this peculiar grievance as affecting Ireland. He would auspicate nothing but good from that committee; for certain he was, that no member of that committee would feel himself justified in derogating from the character of Ireland for her ready compliance in the hour when it became necessary to sacrifice her all in a grand struggle for the common cause. He believed most sincerely that Ireland might be relieved without any general injury being inflicted on the finances of this country. Ireland was in that state that she should be carefully nursed. You must treat her like a child. You must not lay too heavy a burthen on her, otherwise you will destroy her future strength. You will find it your interest at present to encourage the trade of Ireland; and by imposing moderate taxes on her, suited to her ability, you will produce present harmony and future strength. By increasing your taxes, you will find that you will diminish your revenue instead of augmenting it. For one, he should vote for going into a committee; but he could not forget, that even if the committee should be lost, the right hon. gentleman had professed his readiness to consent to a diminution of the tax; and he hoped that, at all events, some regulations would be devised for rendering it less oppressive.

Mr. *Parnell* was sorry for the discouragement which had been given to the proposition by the right hon. the chancellor of the exchequer. He could not see that Ireland had not borne her fair proportion of taxation and privation for some years past, although he was satisfied the tax was a very injudicious one, as the persons resident in houses of this inferior description were not able to afford a single shilling as a contribution to the exigencies of the state. He attributed this financial error in practice to one of a more general nature, which was the assuming, at the period of the Union, that Ireland ought, in the ratio of her exports to those of this country, to contribute to our financial exigencies in the proportion of two-seventeenths—a proportion much too large, it being very fallaciously supposed, that the exports of Ireland were proofs of her wealth, whereas, being all raw commodities, exported for the purpose of procuring from other countries that which she ought to produce within herself, these exports were only proofs of her poverty. But the causes of the depression of Ireland were to be found in her own mismanagement of her affairs. She was not even permitted to pave or light the streets of her metropolis, but a most burthensome and expensive board must be appointed for superintending that petty object. Upon the whole, the causes of her unproductiveness, in a financial point of view, might be attributed to the depression of the public mind, arising from the present mode of governing that country.

Mr. *May* recapitulated several of the preceding arguments, and concluded by voting in favour of the committee.

Mr. *Shapland Carew* said, that every principle of humanity and justice required the House to repeal this tax. The very preamble of the tax, in point of justice, ought to induce the House to remit it. At all events, the chancellor of the exchequer ought to consent to the appointment of a committee to inquire into the facts.

Mr. *W. Smith* said, he had heard with surprise, that officers of the revenue were allowed in Ireland to enter every house and room in the house to learn the number of windows. He trusted that such a practice would no longer be allowed in Ireland, any more than it was in England. It had been said, that the tax would be given up by a liberal government; such conduct, however, was no proof of libe-

rality. Officers of the revenue, in the discharge of their duty, ought to go round the outside of the house, or at most to pass through it. The tax, indeed, might in that way be diminished; but a regard would be shown for the feelings of the people, who would submit with less reluctance to pay what remained of the tax. He hoped the chancellor of the exchequer would find sufficient resources in a wise economy to enable him to do without the tax.

Mr. *Peter Moore* thought a sufficient resource in lieu of the tax might be found in a judicious system of economy. For his own part, he considered the tax so oppressive, that he would sooner consent to levy the same sum on England than that the tax should not be repealed. It was a question that was closely connected with the health of a great portion of the population of that part of the empire. A fourth part of the tax might be remitted in the mean time, and a select committee might be appointed.

Mr. *Calcraft* said, the question before the House was, that a committee should be appointed to inquire into the window-tax of Ireland. He was not fully acquainted with the state of that country; but he thought that this question stood on so narrow a ground that he was perfectly master of it. He thought that the question ought to go to a committee; but if it were for a bill to repeal the tax, he should vote for it. How many individuals from that part of the country had declared that the health and lives of the people were affected by this tax! Sufficient ground had, therefore, been raised for an inquiry at least. He was, indeed, so satisfied by the medical opinions which had been given of the injurious consequences of this tax, that, if no other grounds were stated, he should be induced to vote for the repeal. The House ought to get rid of this tax altogether. The right hon. gentleman had frequently granted committees on much slighter grounds, and yet, in this instance, he resisted a committee for inquiry. The remission of taxation since the peace had been very unequal as to Ireland and England. The question had been completely carried by argument, and the chancellor of the exchequer would be obliged upon a future day to move for the repeal of the tax. It was surely inconsistent to deny 300,000*l.* to the people of Ireland, when the war malt tax, amounting to 2,000,000*l.* had been taken off from the people of this country.

Mr. *Robert Shaw* replied. He in particular referred to the impression attempted to be made on the House, by stating that as the window tax only fell on tenants in houses having seven windows, it could not be supposed to affect the poorer classes of the inhabitants of Dublin. Now, in that city few of the houses of the poorest class had less than that number—almost all had considerably more. He felt so strongly impressed with the importance of this concession, not only to Dublin, but to all Ireland, that he should proceed to take the sense of the House upon the expediency of going into a committee upon the subject.

The question being put, the House divided:

Yeas	51
Noes	67
Majority against the Motion	—16

List of the Minority.

Archdall, M.	Mackintosh, sir J.
Althorp, lord	Monck, sir C.
Burroughs, sir W.	Moore, P.
Birch, J.	Nugent, lord
Bennet, H. G.	Newport, sir J.
Babington, T.	Ord, W.
Calcraft, J.	Ogle, H. M.
Caulfield, H.	Parnell, W.
Cooper, S.	Plunkett, W. C.
Chichester, A.	Ponsonby, F.
Compton, lord	Shaw, B.
Carew, S.	Smyth, J. H.
Douglas, F. S.	Smith, R.
Dickinson, W.	Smith, W.
Flood, sir F.	Sharp, R.
Forbes, Charles	Stanley, lord
Fazakerly, N.	Talbot, R. W.
Folkestone, lord	Tierney, G.
Gordon, R.	Wilkins, W.
Grattan, H.	PAIRED OFF.
Grant, J. P.	Abercromby, J.
Hamilton, H.	Brougham, H.
Hamilton, lord A.	Curwen, J. C.
Hart, general	Duncannon, lord
Hornby, E.	Fergusson, sir R.
Latouche, J.	Fitzgerald, lord W.
Latouche, R.	Lambton, J. G.
Lamb, W.	North, D.
Lefevre, C. S.	Robarts, A.
Mitchell, general	Sefton, lord
Martin, J.	

HIGH BAILIFF OF WESTMINSTER.] Mr. *Marsh* rose, pursuant to notice, to move, that the order be discharged for the production of an account of the Income of the High Bailiff of Westminster. The ground of the former motion, with which the present was connected, and by

which it was intended to remunerate him for services performed during the elections for the city of Westminster, was not that his regular income was inadequate, but that he was by law required to erect and prepare hustings for carrying on the elections for Westminster, and that notwithstanding such liability, he was not by law entitled to any remuneration for the expense to which he was thus occasionally put from time to time. The result of that motion had been an order for the return of the high bailiff's income. As the effect of these returns would be to expose to persons uninterested in the transaction before the House the detail of the private emoluments of the high bailiff, he hoped the House would acquiesce in his motion, "That the Order of the 16th March, for an Account of the annual profits and emoluments of every kind received by the Hight Bailiff of Westminster since the year 1807, distinguishing each year, and the sources from which the said profits and emoluments were derived, be discharged."

Mr. *Bankes* could see no reason why in the present instance, the House should depart from its usual practice in cases of this kind. In the late case of the constables of the House, who complained of increased duties being imposed on them, the House had proceeded as they now were about to do. On the question of the Copy-right act, a committee was appointed to hear evidence of the losses said to be sustained by the parties applying to the House for relief. The same course was taken in the recent case of members of the royal family: even those illustrious personages, when grants for them were proposed in the House, were called upon to state the sums they at present enjoyed from the public. It would be recollected that two committees, in 1811 and 1814, had already sat on the high bailiff's claim, and neither had agreed upon it. It was clear, that the respectable gentleman who held that situation, must derive, in some shape or other, greater emoluments from it than were openly mentioned, or else, was it likely he would have given at the rate of forty years purchase for an office which involved infinite risk, personal labour, and responsibility? The House had a right to see his accounts before they entered farther into the inquiry.

Lord *Althorp* was in favour of the motion for rescinding the order. The nature of the high bailiff's claim was this: an act had been passed by the legislature, containing a mistake which imposed in the result on this gentleman what the legislature at the time never intended, namely, the expense of building a hustings. The House was, therefore, bound to repair the injury they had unintentionally done the high bailiff. If the nature of the claim were, that the duties imposed on this public officer were inadequately paid, and that he applied for an additional grant, then indeed the House would have a just ground to call for his accounts, and see into the nature of his remuneration. But here the high bailiff did not complain of his emoluments, and, therefore, the House had no right to turn round on him in this manner, and require their amount, particularly as they arose from what might be called his private estate. He only asked to be repaid that expense which fell on him through an unintentional omission of the legislature. The cases alluded to by the hon. member had no reference to such a case as the present, and therefore he should most heartily concur in the motion.

Mr. *Tierney* said, that if the ground of the high bailiff's application were for remuneration for additional labour, then it would be incumbent on him to show, that his emoluments were at present insufficient; but the ground of the application here was for a specific injury never contemplated by the legislature, which, nevertheless, unintentionally imposed it upon a public officer, who purchased his situation without contemplating any such loss. That officer now called for an indemnity for a specific charge he was compelled to incur, and not for any remuneration growing out of the duties of his office. None of the cases put by the hon. gentleman applied to the present, which was simply the case of a man suffering under the construction of a new act, which never contemplated what followed in the manner it had occurred. He had no interest one way or the other in this question. He had always understood the high bailiff to be a most respectable gentleman, and he believed him in this case to be entitled to the justice he sought at the hands of those who had inflicted the injury.

Mr. *Calcraft* was sorry he could not agree with his right hon. friend who spoke last. The high bailiff asked for a grant of public money to repair a loss entailed upon him by the duties of his office.

Surely, to ascertain the amount of his loss could not be more properly done than by inquiring into the emoluments of his office. On a late occasion, members of the royal family were called upon to return an account of their public incomes, when additional grants were applied for in their behalf; and he saw no reason why the high bailiff should be alone exempt from the operation of the general principle which governed the House on subjects of this kind. The application was for a grant of public money, and until the high bailiff proved a loss in the general emoluments of his office by this particular transaction, he had no right to press his claims on the consideration of the House. In two former committees the high bailiff had in evidence disclosed his emolnments. What objection, then, could he now have to withhold them? For these reasons he must see the accounts before he could consider the remuneration.

Mr. *Tierney* said, that the case of the princes of the blood was entirely different. This was not a claim for a new grant, but a demand of indemnity for a specific injury.

Mr. *Money* thought the House might as well call for the accounts of any private gentleman's estate as for those of the high bailiff. The expense was incurred by a negligence in the framing of an act of parliament, and indemnity from parliament was therefore a matter of justice, not of favour.

The *Chancellor of the Exchequer* could not see why the high bailiff should object to do now what he had twice done already. To disclose his profits now could not be more injurious to him than it was formerly. It was no more than common respect to the House to comply with their order.

Sir *James Mackintosh* said, that if the House made the order the high bailiff must comply; but the question was, whether it was just to make the order, and whether it ought not now to be rescinded? The order was a demand for producing the amount of his profits, in consequence of a claim of indemnity which he had made for an expense incurred by the interpretation of an act of parliament, which was not intended to possess the meaning which the court had thought themselves bound to put upon it. The amount of his present profits had no connexion with such a claim, as their magnitude or smallness could not determine the justice of the demand. The refusal of the high bailiff to produce that account should not operate against him, nor should any unfavourable inference be drawn from his former consent. If he had twice produced the account, that circumstance proved that he had no sinister motive in now objecting to it, and likewise showed that the House did not require it for information. His reason for refusing it might arise from a fear that by compliance he might compromise the rights of his office, and be submitting to a precedent injurious to those who might succeed him.

Sir *J. Newport* stated, that when the order was made for the high bailiff to produce the return, he felt the strongest objection to it, and would therefore now vote for its being rescinded.

Sir *E. Brydges* said, he could not connect the injury sustained with the emoluments of the office, and saw no reason therefore for the production of the return.

Sir *W. Burroughs* said, he recollected the case of the high bailiff against sir F. Burdett, and that the negligence in the wording of the act had caused the expense to the former. He was therefore certainly entitled to an indemnity.

Mr. *Boswell* said, that the case stood on grounds totally distinct from the emoluments of the office.

Mr. *Forbes* begged to ask, if one of the members returned at the election alluded to was not liable, as a candidate, though both were not, from the circumstance of one of them not having canvassed?

Mr. *J. P. Grant* replied in the negative, on the authority of the decision in the court of King's-bench. One of the members returned (lord Cochrane) had paid his share; but the other (sir F. Burdett) had obtained a decision in his favour. The high bailiff was certainly entitled to remuneration for the expense he had been put to, without a reference to his private accounts. The present was as clear and straight forward a demand for justice as any he had ever known.

Mr. *Robert Smith* said, that the words of the act were "candidate, or candidates." The case stood thus: lord Cochrane suffered judgment to go by default, and paid his moiety on the high bailiff's estimate pending the proceedings against sir F. Burdett, who was decided not to have been a candidate within the meaning of the act, and therefore not liable to pay the high bailiff's demand. But had

this officer been properly advised in his first course, he might have recovered the whole amount from lord Cochrane, who was clearly a candidate, though he could not turn round and recover the remainder, having closed his proceedings against the noble lord on his own terms. The error, therefore, was the high bailiff's, and he had no right to call on parliament to rectify his own mistake. Under any view of the case, the accounts were necessary, and he would vote for their production. If the House were to indemnify persons for every wrong construction of acts of parliament by which they suffered, there would be no end to the claims which might be made on its liberality. He was against the rescinding of the order.

Lord *Folkestone* said, that in the view of the case taken by the hon. member who spoke last, it was clear that if the high bailiff had his remedy against lord Cochrane, the latter would also have his equitable claim upon the House for the injury he had sustained by the equivocal terms of the act. The claim of the high bailiff was one of pure and simple justice, and ought therefore to be complied with.

The House divided:

Ayes 46
Noes 46

The numbers being equal, the Speaker declared himself with the Noes.

East India Dock Company.] Mr. *B. Shaw* rose to move, that the East India Dock Company should give, in compliance with the authority of an act of parliament, a proper account of their profits to the House. In 1803, an act had passed to form that company, and to compel all ships coming from the East Indies to discharge in their docks. But since that period a great alteration had taken place in the East India trade. It had been thrown open, and not only the company's ships, but smaller vessels, had now been engaged in it for some years. All that the owners of those vessels asked was, that the House would compel the East India Dock Company to render its accounts to the House, in a manner fit to be investigated. By a clause in the act, it was ordered, that after the payment of all the charges incurred, in the event of the receipts yielding more than 10 per cent to the subscribers, the surplus should be applied to the diminution of the rates on shipping. Now, the ship-owners wished to ascertain whether the receipts had not reached that state, and whether the rates ought not to have been diminished. They complained, that in the accounts submitted to the House, only one item had been made of the money expended in labour, for unloading and loading, labourers, taxes, incidental expenses, and for the amount of the extraordinary disbursements made for additional improvements and accommodations, not provided for by the increased capital, up to September 1817. This item amounted to 41,931*l.* 13*s.* 2*d.* Why was it charged on the income, when the company had been empowered to raise an additional capital of 100,000*l.* of which they had as yet chosen to procure only 58,000*l.*? There was also another part of their accounts which required explanation. There appeared to be a balance in hand of 7,555*l.* 17*s.* applicable to outstanding claims; and from the commencement of their operations, such balances had been kept back till they formed at present a total of 68,000*l.* These balances had never been accounted for. He did not mean to say that they had been improperly expended, but the ship-owners had a right to know how they had been applied. If the motion were resisted, it must be because no fair account could be rendered. It was not now a question with the ship-owners that they should be relieved from the restrictions which the act imposed upon them, though they complained that they should be compelled to pay a rate of 16*s.* per ton, when at the outports they could have the same service performed for 4*s.* and in the port of London for 3*s.* They feared the act was too compulsive to be able to get rid of it; but they prayed that at least justice should be done to them, and that a satisfactory account of the balance should be given. He concluded by moving, "That the East India Dock Company be required to return an account distinguishing the amount of the extraordinary disbursements incurred for improvements of, and accommodations at, the East India Docks, not provided for by the increased capital, which are stated in the account presented to this House (2nd March) to be included in the sum of 41,931*l.* 13*s.* 2*d.*—Also, an account of the appropriation of the several balances appearing by the accounts of the directors of the East India Docks (presented to this House) to have been in hand at the end of different years between 1808 and 1816 inclusive."

Mr. *Astell* complained of the misstate-

ments in the speech of the hon. mover, who had said that the charges on tonnage were 16*s.* whereas, in fact, they were only 14*s.* with a drawback of 2*s.* if the vessel did not go into the outward bound dock; and this rate of tonnage was calculated, not on the real but on the chartered amount. The annual accounts had been regularly laid on the table according to the usual plan, and they were made out in the most satisfactory manner. The hon. gentleman was equally in error when he spoke of 41,931*l.* 13*s.* 2*d.*, the sum alluded to being only 13,000*l.* The dividends, too, were over calculated, for the average was only at the rate of six per cent—five was at first paid, six after, and the present rate was seven per cent on a capital of 450,000*l.* There was no ground for insinuating that the least irregularity prevailed in their mode of doing business. The idea, that there was something behind the curtain which the directors were unwilling to show, was totally destitute of foundation. He was of opinion that there was no necessity for producing the accounts, and should object to the motion.

Mr. *Marryat* said, that in the accounts of the company for the last eight years, there was uniformly a balance stated at the foot, which was to be accounted for in the ensuing year, but in no one instance was this engagement ever observed, so that there remained a sum of 68,000*l.* still to be accounted for. By such a mode of proceeding, the directors did not comply with the act of parliament that required them to present the annual accounts of their receipts and disbursements. The great amount of the duties was felt as a great grievance by all the ship owners in the port of London, for they were charged at the rate of sixteen shillings a ton at the East India Docks, while their business would be transacted at Liverpool and other ports at the rate of 2*s.* 6*d.* The charge in the port of London, he was convinced, would be found equally moderate but for this monopoly of the East India Dock Company. Such monopolies had the effect of driving away the trade of London, and the only chance of retaining or recovering it, was by bringing down the charges to the level of all their foreign and other competitors. Such monopolies had been permitted for a short time in the reign of queen Elizabeth; but that wise princess could not fail soon to see the evil results of such a system, and she accordingly put an end to it, and received in consequence an address of thanks from the House of Commons. He trusted that the same principle would be pursued now, and that on the expiration of these exclusive charters, they would not be renewed, by which alone London would be fairly enabled to compete with her rivals in all her commercial pursuits. He thought the accounts ought to be produced, and should therefore vote for the motion.

Mr. Alderman *Atkins* said, that the building-expenses of the dock had exceeded the estimate, and that the company had never received a larger dividend than seven per cent.

Mr. *Thompson* said that he belonged to the dock company of Hull, and should have been ashamed to have put his name to accounts like those presented from the East India Docks.

Mr. *Protheroe* hoped the directors of the East India company would not oppose the present motion, for the sake of the character of the establishment.

Sir *W. Curtis* did not believe that it would be resisted. He was himself a director, and should support the motion.

The motion was agreed to.

BANK PROSECUTIONS FOR FORGERY.] Mr. Best, from the Bank of England, having presented an account of the number of persons committed or prosecuted for forging Bank Notes in 1816 and 1817; and also an account of the number of persons convicted for forging Notes, or of uttering such forged Notes, in fourteen years preceding February 1797,

The *Chancellor of the Exchequer* took that opportunity of requesting sir James Mackintosh to postpone his motion on the above subject, in order that the report of the Budget might be brought up and discussed that night; as it was extremely important, he said, that the latter should not be delayed.

Sir *James Mackintosh* expressed his willingness, notwithstanding the frequent postponements of this subject, to accede to this arrangement, provided it was understood that his motion should come on early on the following day, or on Friday, before the discussion of the great general question of which this formed an important branch.

The *Chancellor of the Exchequer* said, that he could enter into no engagement either for to-morrow or Friday. In consequence of which,

Sir *James Mackintosh* proceeded. He said, that he should detain the House as shortly as possible, though the question was one upon which it would be necessary for him to enter into some details. How urgent and how important a question he considered it, was sufficiently evident from his pressing it forward at that late hour of the night. Two months ago,* he had moved for an account of the number of persons prosecuted for forging notes of the Bank of England, and for uttering or possessing such notes, knowing them to be forged, during the fourteen years preceding the suspension of cash payments by the Bank in February 1797; and also for a similar account since the suspension in 1797, to the 25th of February 1818. He had now other propositions to submit for farther papers, to the production of which he understood no objection would be made, except to one of them; namely, an account of the whole expense incurred by the Bank of England, in prosecutions for forging their notes, or for knowingly uttering, or possessing such notes, from the 1st of March 1797, to the 1st of April 1818. It was, he understood, to be said, that that document ought not to be furnished, because it would be an interference with the private concerns of the Bank; and the answer to it seemed as obvious as it was convincing; namely, that the affairs of the Bank, as connected with the issue of their notes and the rapid multiplication of forgeries, which, he contended, had been the consequence of the suspension of cash payments, could no longer, in any sense of the word, be considered private. He was prepared to show, that the present system of our paper currency had created an enormous public evil; that it had tainted and corrupted the morals of a large class of the people; and that it had occasioned an increase of crime with a rapidity unexampled in the history of law, and of civil society [Hear, hear!]. How, then, was it possible to consider the money laid out by the Bank in prosecuting crimes of which they themselves were the real authors, as a private expenditure of which parliament ought to have neither the inspection nor the control?

In consequence of the great delay in presenting the returns, the materials out of which he was to make a case to show that the House ought to interpose, were necessarily scanty; but such as they were, consisting of papers produced in a former session, and at various antecedent periods, he trusted he should be able to convince every impartial man, that inquiry was imperiously called for. By the return of prosecutions (for there were no returns of executions), it appeared, that for the seven years previous to the suspension of cash payments, the Bank had not instituted a single prosecution for the forging their notes, and that for the seven years subsequent to that event, they had instituted 222 prosecutions. Was not this a frightful leap, and only to be accounted for in one way? The calculation, of course, excluded the year 1797, as being that in which the measure of suspension was resorted to. In the fourteen years previous to the suspension, there had been only four prosecutions. In the fourteen years subsequent to that measure, there had been no less than 469! In the twenty-one years previous to the suspension, there had been only six prosecutions; while in the twenty-one years subsequent to it, they had increased to 850. The proportion was, therefore, as 6 to 850; and he would ask, whether the history of the criminal law of this, or indeed of any other country, afforded a parallel instance of so great, so sudden, and so permanent an augmentation of crime? [Hear, hear!]

In this plain statement of figures, there was more argument than it was possible for any words to convey. Here, indeed, he might almost close his case, but for something that had been said regarding prosecutions by the Mint. It had been at first contended, that the increase of prosecutions by the Bank had tended to diminish those by the Mint, so as, upon the whole, to make a balance; but, by the returns upon the table, it appeared, that the contrary was the fact, for the Mint prosecutions had also augmented, though not in a ratio so rapid as those of the Bank. Defeated in this position, gentlemen on the other side of the question argued (in direct opposition to their first assertion), that there had been a great increase in the Mint prosecutions, which showed, that the frequency of the crime of forgery only arose from the same depravity which occasioned the crime of forging. Here again, however, they were answered by the returns, which proved that the increase of Mint prosecutions, from the year 1783, had been gradual and regular, not with those sudden and dreadful leaps

* See Vol. 37, p. 603.

so observable in the Bank prosecutions, from 4 to 469: while the offences of imitating the coin of the realm had only doubled, those of forgery had increased nearly a hundred and twenty fold.

What cause could be assigned for this alarming and melancholy increase of the crime of forgery? What, but the enormous and constant increase of the paper circulation of the Bank of England —more especially of small notes, which at first had only been issued to the extent of one million and a half, but which had now ascended to the enormous sum of seven or eight millions. Upon this statement he would make only one single observation to the admirers of capital punishments, an observation which could not be too often repeated; namely, that although the crime was always visited with the utmost severity of punishment, they had not been able to repress it; but, on the contrary, the more the promoters of capital punishments cried hang! hang! hang! the more the offence was committed, and the more numerous were the offenders executed [Hear, hear!]. On the other hand, highway robbery, which had of late met with greater lenity, had considerably diminished; and though, no doubt, it was partly to be attributed to mail coaches (a sort of constant guard upon the road), the enclosure of commons and waste lands, the erection of turnpike gates, the horse patrole around London, and the general improvement of the police, yet it was impossible not to allow that a portion of the amelioration was to be attributed to the lenity with which the law was administered.

But, to return to the subject of Bank notes. No man could deny, that the subject now before the House was intimately connected with the measure introduced not long since by the chancellor of the exchequer to its notice, for diminishing the circulation of country bank notes. Whatever were the other merits of this bill, the proper title of it ought to be "A Bill for the better promotion of Forgery;" for it was intended to lessen the number of those notes which were seldom or never forged, and to increase the issue of those, for forging which, so many hundreds had within a few years lost their lives [Hear, hear!]. It was a bill for the erection and furnishing of gibbets; for it was not true, that forgeries of country bankers notes were frequent, though seldom prosecuted, lest the banker should thereby expose and injure his credit. There was a double motive for imitating the paper of the Bank of England, since it could always be done with greater effect and with more impunity. It must be confessed that the machinery of the Bank was most perfect for the protection of its own interests. The Bank, within four years, had had 100,000 forged notes presented to it; all of which they had immediately checked, except 199 which they paid, but all which they afterwards recovered. So that the Bank of England had, by their care, contrived completely to protect themselves. In fact, nothing could be more clear, than that a direct tax of 25,000*l.* a year was laid by the Bank upon the lower orders of society, least capable of detecting the fraud, and of sustaining the loss. If a tax to be so raised were proposed to parliament, there was not a man in the House who would not start from it with disgust and horror: yet the effect upon the poor was the same, and the company of the Bank were the gainers.

The crime of forgery was often attended with peculiar aggravations. It had not unfrequently been made the means of seducing the unwary into guilt and its consequences; and women (from their nature weak and dependant, and incapable of the more arduous duties of life) were competent to the commission of this offence, as far at least as the altering of forged notes constituted a part of it. A most painful case of this nature was now under discussion. He feared to embitter the execution of a public duty—but it was due to his conscience to say, that the convictions of women at Warwick, at Lancaster, at the Old Bailey, must fill mankind with a degree of involuntary horror. It was lamentable that the courts of justice which were established for the protection of the people should become hateful; yet this might be the case without a single fault on the part of those who administered the laws, when the laws themselves were ill-judged. To see a father, a wife, a daughter, and sons, convicted *en masse* for such crimes as these, might be just, might be necessary, might be legal, but would be abominable [Hear, hear!]. The average number of executions, from 1805 to 1813, was 56. In one year, the persons executed for forgery on the Bank were 13, or nearly one-fourth of the whole number of persons capitally executed. It had, indeed,

at last been found impossible to adhere to the ancient rule, and nothing could more mark the increase of forgery, than the relaxation it had produced in that unbending rule of the law. Forgeries had been pardoned—pardoned through necessity; or the slaughter of men, women, and children, under the name of justice, would have buried the crime and punishment under one common abhorrence.

What remedy was to be devised against this great evil? The natural remedy was, to revert to that state in which there had been no forgeries; but if this could not be done, it was incumbent on the Bank to seek out some plan for diminishing the calamities consequent on a paper circulation. If some such plan was not found out, all industry, all integrity, all character, was menaced. With regard to the expedients which had been suggested to prevent forgery, he rather doubted their efficiency. The ingenious persons who had devoted their attention to this subject, professed to have two objects in view; first, the security of the Bank, and, secondly, the security of the public. Most of the individuals whose projects he had examined, did not seem to be aware to what perfection the Bank had brought their machinery to protect their own interests. The great difficulty to be contemplated in all such plans was the one of making such marks upon bank-notes as would be understood and recognized by the poor and ignorant, at the same time that they were incapable of being copied by the numerous body of persons who, unfortunately for themselves and for society, attempted to imitate them. He feared that such a discovery was very difficult to accomplish. Still, in his view, it ought to be eagerly sought after, and should never be abandoned until the difficulty of attaining the object was found utterly insurmountable. Any expense that attended the pursuit the Bank would surely defray, while there was a hope of rescuing it from the expense of prosecution. For it must be more grateful to the feelings of the Bank directors to pay artists for the discovery of any expedient to prevent forgery, or even to render it difficult, than to have money applied, to encourage an odious system of espionage, or to reward those wretches, who first contrived to deprive persons of their innocence, in order afterwards to deprive them of life [Hear, hear!]. It had been his intention to move for a committee with that object, as well as for other purposes connected with it. He did not, however, mean to press it till after the motion of his right hon. friend (Mr. Tierney); but if the decision upon that motion should render it necessary, he would certainly bring it forward. He should have no objection to have it made a secret committee. His present object was, to be informed of the expense of the Bank in consequence of forgeries; and the best way to become acquainted with that was, to obtain the expense they had been at in their prosecutions. And, considering the enormous increase of those prosecutions; considering the number of persons employed, who deprived men of their innocence, that they might afterwards deprive them of their lives; considering the many instances of this kind, some of them detected and exposed by the intrepid and indefatigable benevolence of his hon. friend, the member for Shrewsbury (Mr. Bennet), he thought it desirable, that some of the particulars of the Bank prosecutions should be laid before the public.—After some farther observations, sir James concluded a most eloquent speech with moving,

"That there be laid before the House, an Account, 1, Of the total nominal value of forged Bank notes presented to the Bank of England from 1st January 1816 to 10th April 1818, distinguishing each year and distinguishing the amount of those of which payment was refused, from that of the notes which were paid, and which afterwards proved to be forgeries. 2. Of the number of persons prosecuted for forging notes of the Bank of England, or for knowingly uttering or possessing forged notes, from 1st January 1816 to 10th April 1818, distinguishing each year, and distinguishing the number so prosecuted for forging, uttering, or possessing notes under the value of 5*l.*: 3. Of the total number of forged Bank notes discovered by the Bank to have been forged, by presentation for payment or otherwise, from 1st January 1812 to 10th April 1818, distinguishing each year, and also distinguishing the number of notes of 1*l.* 2*l.* 5*l.* 10*l.* 20*l.* and above 20*l.* in value: 4. Of the whole expense incurred by the Bank of England in prosecutions for forging their notes, or for knowingly uttering or possessing such notes, from 1st March 1797 to 20th April 1818, distinguishing each year."*

* Copies of these Accounts will be found in the Appendix to this Volume.

Mr. *Manning* admitted the correctness of the hon. and learned gentleman's statement of the number of prosecutions at the different periods, but insisted that the prosecutions had been greater on the part of the Mint than of the Bank, as they consisted of those for imitating the dollars. He did not know a single instance of any project submitted to the Bank for improving their notes, that had not received the fullest consideration. If they had all been hitherto rejected, it was because, on the most deliberate examination, they had been deemed inadequate to the end in view. The Bank wanted no additional security for themselves: all they wanted was the means of enabling the public to ascertain at once the genuineness or spuriousness of a note. He apprehended that there would be no objection on the part of the Bank to the first motion; but to accede to the motion for an account of the expense of prosecutions, would betray a desire of prying into the private affairs of the Bank, and on that ground it ought to be rejected.

Sir *C. Mordaunt* supported the motion. The evils arising from forgery were, he said, increasing every year. He had witnessed this in the county he had the honour to represent. The people of Birmingham were preparing to express their feelings upon the subject by petition to the House, and would have done so if the motion had been delayed a little longer. He earnestly hoped, that some measures might be devised to prevent the progress of an evil so afflicting to humanity and so highly injurious to the morals of the country.

Mr. Alderman *Wood* expressed his conviction that nine out of ten of the prosecutions for forgery in London originated with persons who were paid for exciting others to commit the crime. This he was enabled to state from official experience and authentic information. Was not the present system, then, such as called loudly for the interposition of the legislature?—How came it, he would ask, that the brother of the unfortunate female who was sentenced to die on Friday for forgery was allowed to escape by a police officer, while his sister, whom that brother had led into crime, was prosecuted and condemned to death?

Mr. *Grenfell*, after eulogizing the able and luminous speech of the hon. and learned mover, asked, how it happened that the Bank directors had never acted upon the invention of Mr. Tilloch, which was submitted to them in 1797, accompanied by a certificate from the most distinguished engravers in the empire, that that invention was incapable of imitation? He thought it was incumbent on the Bank not only to show their anxiety, but to prove that they had something in hand on the subject. He trusted the House would feel it its duty to do every thing in its power towards coming to a desirable conclusion on this most important business.

The *Chancellor of the Exchequer* conceived that the giving of the numbers of prosecutions and convictions would answer every reasonable purpose, and that there then would be no necessity for a statement of the expenses the Bank had incurred in the conduct of prosecutions, in the view of a just and moral consideration of the subject. It appeared that the hon. and learned gentleman had suspicions that the Bank had recourse to the abominable practice of employing spies and informers, in consequence of the supposed amount of their expenses for prosecutions; and that they paid large sums of money for the treacherous practice of inveigling individuals. He believed that such suspicions were wholly unfounded, as far as they related to so respectable and honourable a body as the Directors of the Bank. He had the satisfaction of knowing many of them, and from the bottom of his heart he believed them incapable of acts which ought to produce such suspicions. He must therefore beg the hon. and learned gentleman to make some explanation of what had fallen from him. He thought also that what the hon. and learned gentleman had said respecting judicial proceedings required explanation, and that such explanation was more especially due from him, as he had occupied a judicial situation himself. He hoped therefore the hon. and learned gentleman would consent to explain himself.

Mr. *Bennet* animadverted with peculiar animation upon the system of prosecution instituted by the Bank, and especially upon the conduct of the Bank solicitor, who had, it appeared, the discretion of selecting such as should be victims, and such as should plead guilty. According to law, to compound a felony was a penal act, but it appeared that the Bank solicitor had in the system of those prosecutions a special immunity. It was an indisputable fact that a reward of 15*l.* was

paid to any person concerned in discovering (which too often meant creating) the crime of forgery. No less than 30*l.* were paid to the police officer who arrested and prosecuted Kelly and Spicer, the two poor lads who were lately transported to Botany Bay, after having been sentenced to death, for a crime, the commission of which that officer might have prevented. But every agent in prosecutions instituted by the Bank was rewarded, while every one they prosecuted was sure to be punished. The punishments were so numerous and so severe as to defeat their own object, for the feeling of the country revolted against them. The law in this respect seemed as if made only to answer the purposes of the Bank of England; for forgeries of all other kinds might be almost committed with impunity. For instance, a case which occurred some time since, of a woman who was cast for death at Maidstone. She had been tried and found guilty of forging seamen's wills, and under circumstances so aggravated that though he was an enemy to capital punishment for such offences, he would say, that if ever any case of forgery deserved it, it was that. But notwithstanding this, the learned judge, baron Wood, who tried her, felt it right to grant a respite of the sentence before he left the town. Unlike this case was that of the unhappy female whose execution was ordered within a few days. She had been found guilty of uttering forged notes, but her's was an offence against the Bank of England. The public, however, had given a strong opinion in her favour, and he trusted that a more mature and humane consideration might even yet dictate a change in the awful determination which had been come to respecting her [The hon. member alluded to the case of Harriet Skelton, ordered for execution for uttering forged notes]. But whether the Bank had determined that more human blood should flow or not, or whether the right hon. the chancellor of the exchequer should continue to advocate their humane system still longer, he could tell them that the time was not far distant when it would have an end. The public opinion had already begun to act, and it would soon have the effect of putting a final check to the further sacrifice of human life.

Mr. *Thompson* remarked on the assertion of the Bank directors, that they had carefully examined every project laid before them, and had found none of them to afford a sufficient security against forgery. The Bank of England notes were such as any bungling engraver could imitate, though the Bank committee were said to have sat fifteen years on this subject. Country bankers had issued notes with impressions on both sides, executed by good artists, and forgeries of them were, in consequence, very rare. He would appeal to the feelings of the directors of the Bank of England, and ask them, whether if there was an increased issue of their notes (which was very possible) there would not be more forgeries. People in the country were afraid of a Bank of England note. He believed there were many more forged ones in circulation than had been presented for payment, and that the Bank had committed great mistakes on the subject. Lately, a man was hanged at York, and he had heard his confession. The man stated, that he had bought the notes at Birmingham. He (Mr. T.) believed that he had a tolerable good knowledge of a real or forged note, but he must confess that he had great difficulty in ascertaining the notes that this unfortunate man had uttered. The fact was, that at Birmingham there were manufactories of forged notes. Devices of different descriptions on both sides of a note rendered the forging of them more difficult; but the Bank of England notes were badly executed, and the roman candle figure rendered them still more easy of imitation.

Mr. *Dickinson* suggested that the Bank of England should pay their solicitors a stated salary, instead of paying them according to the number of convictions, by which, he conceived, a stimulus to prosecutions was given. He was convinced of this from a letter which he had seen from the solicitor of the Bank. It was impossible to describe the eagerness with which prosecutions were commenced. Bishop Burnett had well remarked, that there was reason to fear that the power of the Bank of England would get beyond control. It was something like an approach to that state of things, when clerks of that establishment imprisoned for an assault on his majesty's subjects, received as a compensation two or three hundred pounds from the funds of that corporation. The Bank said to the chancellor of the exchequer, "Pay us what you owe us, and then we will consider what we will do." To the public they said, "You may take these spurious notes on our character, and we will not repay them, though we

are the cause of their fabrication and issue."

Mr. *Babington* said, he knew of a country bank in which not one forged note in a year occurred, while the forged Bank of England notes appeared every week. As to the loss occasioned to the country by these forged notes, it had been stated at 25,000*l.* a year. He believed it might be estimated at double that sum. A great number of them never found their way to the Bank. After circulation, they were either torn to pieces or put into the fire; and these amounted to more than went to the Bank. A bank in his neighbourhood had issued notes payable at their own office, or in London, and they became plagued with forgeries; but when they confined themselves to a small circle, and made them payable at their own counter only, then the forgeries ceased. He was strongly impressed with the necessity of some regulation.

General *Thornton* expressed his anxiety for the success of the motion. He had the highest respect for the gentlemen of the Bank, but he could not but believe that they were too much under the control of their own officers. He was surprised that the Directors themselves had not moved for a committee to show that nothing better could be done on their part.

Mr. *B. Shaw* thought that the Bank ought to have done more than it had done, to prevent the increase of forgeries. He was of opinion, that a public reward ought to be offered. No money could be better laid out.

Mr. *Hart Davis* answered the assertion, that if the notes had been better executed they would not be so often forged, by stating, that he had seen notes issued by a private banker, executed by a most distinguished artist, which had been so completely forged, that, when brought before him, he could not distinguish the false from the true one.

Mr. *S. Thornton* said, that several inventions had been submitted to the Bank, to prevent forgeries. Some were found not likely to answer, and others were still under consideration. The Bank had acted with much lenity, and had never expended large sums to induce to crime, that offenders might be brought to punishment. He had no objection to the production of the accounts required by the motion. He was confident that every disclosure would prove that the Bank were unremitting in their endeavours to correct the evil, and cautious in the management of their prosecutions.

Sir *James Mackintosh* said, he availed himself of the courtesy of the House, not for the purpose of reply, but strictly to explain two parts of his former speech, which seemed to have been misunderstood by the right hon. gentleman opposite. Of the judges of the land he felt always disposed to speak, not only in respectful but in reverential terms. If he had used any disrespectful terms, they must have proceeded from the warmth of the moment: he was not conscious of it, and did not believe he had done it. He had merely complained of the severe jurisprudence of the law on this subject. He had also intended to have spoken of the Directors with respect, as the managers of a useful public institution. Of them, all he had said was, that if they refused the object of his motion, they would excite a prejudice, a suspicion, that something was concealed. Much was he, therefore, surprised to be charged with disrespect towards them, but much more to be charged with disrespect towards the judges, who must either be entitled to veneration, or objects of punishment—for there could be no medium. The discussion for the last half-hour had wandered from the object of the motion, to a subject on which he should bring forward a motion afterwards, perhaps that day se'nnight, if, unfortunately, the motion of his right hon. friend for Friday should be rejected.

The several motions were then put, and carried without a division. When the last motion relative to the expense of prosecutions was agreed to, the opposition benches returned several cheers.

HOUSE OF COMMONS.

Wednesday, April 22.

Imprisonment for Contempt of Court.] Mr. *Bennet* said, he had a Petition to present from a class of persons whose sufferings demanded the utmost commiseration, and for whom, notwithstanding the promises which had been made, nothing had been done; he meant the persons imprisoned in the Fleet for contempt of court. These persons, who had had the misfortune to be parties or witnesses in suits in law or chancery, had been imprisoned for not complying with the directions of the court. They were petitioners to the court of chancery,

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but their petitions remained unheard, and they now prayed for speedy injustice rather than tedious justice. They had followed all the instructions of their lawyers, and were ready to do any thing which the court might order. They had, during the time they had been imprisoned, witnessed the death of six persons similarly situated, one of whom had been imprisoned four, another eighteen, and another thirty-four years. It was with the persons who had high legal situations that the remedy for this evil rested. After the indifference that had been shown to these cases of grievous and disproportionate or unmerited suffering, he almost despaired of a beneficial result; but he had the satisfaction to know that he had done his duty.

Ordered to lie on the table.

Education of the Poor Bill.] Mr. *Brougham*, on moving that the committee on this bill be deferred till Monday, took occasion to observe, that some facts had come to his knowledge which proved most strongly the necessity of strictly inquiring into the application of charitable funds, and the inadequacy of any general returns to parliament on this subject. The information was on the authority of a gentleman in Berkshire, a barrister, who was not personally known to him, but who was well known to the members connected with that county. This gentleman stated, that the returns under the act of 1787-8, commonly called Mr. Gilbert's act, had not been faithfully made—that in Berkshire, where he had made inquiries for a work which he was about to publish, the incomes of the charitable funds had been returned as 7,000*l.* a year, while their real income was 20,000*l.* a year, of which not more than 5,000*l.* was expended in the manner directed by the benefactors. Thus three-fourths of the charitable fund were wholly misapplied. In the town of Abingdon alone a return of the donations of twenty-five benefactors had not been given in. He stated also, that of enormous balances in the hands of trustees no notice was taken, nor of the balances due by one set of trustees to another. This statement would show, better than any reasoning, the futility of calling for returns, without a strict local investigation.

Contagious Fever in Ireland.] Sir *John Newport* rose to make his promised motion on the subject of the Contagious Fever which had so long raged in Ireland. In rising upon such an occasion as this, he was spared the difficulties he felt on former occasions, where the subject under consideration was one viewed in different lights by individuals of opposite opinions. He now, on the contrary, was about to touch on a subject which could only, he trusted, elicit one common feeling throughout the House. When they considered that the population so dreadfully affected by this contagious disease covered a space of country containing nineteen millions of English acres, and six millions of inhabitants within the British empire, they would easily admit that the consideration was one of the utmost magnitude, and which called for full investigation and inquiry. Whatever might be the cause or causes of this calamity it would be for a committee to ascertain, and if a remedy could be provided, it would be their bounden duty to apply it to the relief of the sufferers. There were various opinions from different quarters in Ireland as to the causes and progress of the malady—some differed as to the causes, but none as to the character and progress of the disease. One of the opinions on this subject he would not give, lest it should be thought he meant to countenance a political allusion on a subject of this nature. He was anxious for the appointment of a select committee, with a view of getting at all the information which the nature of the case admitted. It would be material for them to inquire into the number of patients admitted into the Fever Hospitals, many of which were already constituted when the disease broke forth in an aggravated shape. He felt great pleasure at being the person through whose exertions the first of these hospitals was established in the city which he represented. There were previously two at Manchester and Chester. The calculations of the number of persons admitted into the hospitals of Dublin, for seven months since last September, when the fever was at its height, were striking indeed. In the seven months since September, 10,321 patients had been admitted into the Broad-street Hospital, the House of Recovery, and the House of Industry, in Dublin. In the city of Cork, during the same period, 10,040 had been admitted. This fever was not confined to large cities; for in the small town of Boyle above 300 in five months were infected; and 1,200 in

nine months, in a circumference not exceeding five miles from the town. The main object he had in view was to ascertain, in the first instance, the extent of the disease, and to consider of the proper remedy. Another object he had in view was, not merely to afford additional funds to the fever hospitals, but also to secure from dilapidation and injury the benevolent donations of private individuals, and to prevent them from being unnecessarily dissipated, until the legislature could make some competent regulation to control and impose an additional security on their application. He could not, however, disguise his opinion, which he would now fairly and plainly state, that whenever the labours of the committee embraced the whole subject, they would find that want of sufficient employment for the productive labour of the people was the main cause of the evil—to that eternal source, he was satisfied it could be fully and unequivocally traced. And he implored the House to look on the subject in this view, and see if their wisdom could devise any remedy to meet the evil. His first object he had already said was, to provide competent funds for the support of those receptacles already in existence, and to secure their funds from dilapidation. But he hoped, at the same time, that some permanent remedy would be sought for to meet what otherwise must be a permanent evil. It would be of the first importance to inquire whether it would be possible that the labour of six millions of people could be directed so beneficially as to preserve the great majority of them from that state of misery which led to this extent of disease, and perhaps of crime. In calling for this committee, he hoped the House would not adopt the idea that he was about to trespass on any other funds than those of the persons exposed to the influence of the disease. From local funds alone did he expect relief. The Irish government (and he spoke it in gratitude) had gone as far as possible to afford relief, and had executed, in the most honourable manner, the well-warranted discretion vested in them of applying some portion of the public funds to alleviate the miseries which the disease had produced, and to prevent its spreading in the quarters where it raged. As he could not anticipate any opposition to this motion, he would conclude without further remark, by moving, "That a Select Committee be appointed to inquire into the state of Ireland as to the prevalence of Contagious Fever in that part of the United Kingdom, and to investigate the causes, temporary and permanent, which have led to the increased progress of this destructive malady during the last and present year, and to report the same, with their observations thereupon, to the House; and also to report such measures, remedial and preventive, as may seem most efficacious to arrest its further extension, to guard, as far as human foresight can provide, against its recurrence, and to secure adequate means of support to the establishments destined for the relief of the diseased."

Mr. *Peel* said, that those who recollected the conversation between him and the right hon. baronet on a former evening, would easily imagine that he did not now rise to give any opposition to the motion, but, on the contrary, to perform the more acceptable duty of seconding it, and adding, that so impressed was he with the importance of this question, that he should have felt it his duty to submit it to the consideration of the House, had not the right hon. baronet anticipated this intention. He hoped he should be excused if he pursued the subject farther than the right hon. baronet had done, and entered into the progress of the disease, from the documents which he possibly had alone access to as a whole, from the nature of his official situation. The right hon. baronet had truly said, that in September last, the fever, which though it had previously existed for four or five months, and indeed more or less in a slow shape for some years, assumed a character of serious malignity, so as to call for the attention of government. In the month of September last he had taken measures for receiving from medical gentlemen throughout the country their opinions as to the origin and extent of the disease. He had accordingly received returns from the four provinces, all of which referred the origin of the disease to the same cause. They stated, that the great poverty of the labouring classes, owing to a want of employment, had produced a marked depression of mind. The pressure of scarcity was also most severely felt, and an excessive wet season had deteriorated the quality and reduced the quantity of that species of food, on which the people almost exclusively subsisted, and had prevented them from laying in an adequate supply. The causes, there-

fore, of the disease arose from want of employment and the poverty it engendered, from the defective quality and quantity of food, from the wetness of the season, and from want of fuel. Another cause was, the number of wandering beggars who roamed about the country, and communicated contagion, and the practice of the lower classes, of assembling to attend the funerals of their friends. On such occasions the infectious disease of a few was communicated to the many, and the disorder became violent and general. In looking at these causes it was, if not lamentable, at least affecting, that this contagion should have arisen from the open character and feelings of hospitality for which the Irish were so peculiarly remarkable, and from which no sense of fear or apprehension of danger could shake them. No persuasion would induce them to shut their door against the wandering beggar, or refuse to pay the last sad tribute to the remains of their friends and kindred—a tribute which they regarded with peculiar veneration. It reminded him of the description given by Lucretius of the plague at Athens, but there indeed the hospitality of the people yielded to the terrors of the contagion:—

"Nec mos ille sepulturæ remanebat in urbe,
"Quo prius hic populus semper consuerat humari."

In Ireland no fear of contagion—no fear of death—could operate to induce the people to forego the habits and feelings which they cherished.—He would now refer to the returns at Dublin, showing the mortality which there prevailed. On the 1st of September, there were 218 patients in the fever hospital of Dublin; in the six months following, there were 796; on the 28th of February, there were 1,001, making an increase of 783 in the course of the six preceding months. On the 14th of March last, the number in the hospital was 1,074. The total number of deaths during the six months was 456, and the average calculation of admission was thirty-nine patients *per diem*. The proportion of deaths to the sick was on the highest average as one to thirteen, and on the lowest as one to nineteen.—He thought he was not too sanguine when he considered that the calamity had reached its height, and was now rapidly diminishing. Since the 14th of March there had been a very considerable abatement, both as to the extent and the peculiar characteristics of the fever. The grounds on which he hoped that there was now a great abatement were, not only the returns which he had received from various parts of the country, but the documents kept at Dublin, the authenticity of which could not be doubted. The number of patients in Dublin hospital on the 14th of March was, as he had stated, 1074; but on the 14th of April (the present month) it was only 850, being a diminution of 224. The proportion of deaths as compared with the admissions had also diminished. In one hospital the proportion was as low as 1 to 82, though the general average was as 1 to 20. The total number of patients cured and discharged within the last month, in Dublin hospital, was 1829, and the number of deaths was 89. But it was not only in Dublin that the abatement had taken place. In the north of Ireland the fever was much subdued, and in the western districts the decrease was still more considerable. He was in possession of returns from the medical superintendents in the various towns which proved this: but he would not trouble the House with these documents, as it would be more proper to produce them to the committee. It gave him much satisfaction that the right hon. baronet had not framed his motion so as to make it in the first place point to any particular plan for the employment of the poor as a remedy for this calamity. He agreed with him, that a main cause of the evil was this want of employment. But then, he much feared that the removal of this cause was beyond the reach of any measure which the executive government could adopt. It was therefore certainly much wiser, in the present stage at least, to avoid all debate upon that part of the subject. Many proposals had been made for the employment of the poor in public works; and, no doubt, in that way some relief was to be afforded. But then, with a view to the extent of the evil, the utmost that could be done in that way was but little. Other suggestions, of a nature still more objectionable, were continually making to the government, especially by manufacturers, who being distressed by the unfavourable state of the market for the particular sort of goods which they made, applied to government for loans to enable them to carry on their manufactures, and continue in employment the many persons who wrought under them. With applications of this kind it was obviously impos-

sible to comply. For unless there was a consumption adequate to the supply of the particular species of manufacture, it was quite clear that it would only be aggravating the difficulty by increasing the supply. In short, the difficulties from the various remedies proposed were endless. But this part of the subject would, to a certain extent, fall within the consideration of the committee. He would therefore not trouble the House farther, but content himself with seconding the motion of the right hon. baronet.

Mr. *Bennet* agreed with the right hon. baronet who had moved, and with the right hon. gentleman who had seconded the motion. He rose, therefore, not for the purpose of saying any thing on that part of the subject, but in order to suggest that the Fever-hospital in the metropolis should likewise be recommended to the attention of the committee. It was matter equally of surprise and regret, that, in the metropolis of the British empire, there was no fever institution supported by public contribution. This was a subject deserving of the greatest attention. If patients of this description increased as they had done of late, the atmosphere breathed by the most populous parts of the metropolis would become polluted, the disease would get firmly and incurably established, misery and death would extend the most fearful ravages. The effect had often been already, that sick nurses and medical students fell victims to the disease. The rapid increase of contagious fever had some time since given rise to a small institution for its cure. Within the last six months, there were in this institution not less than 700 patients. The annual revenue was not more than 400*l.* An appeal had lately been made to public benevolence, and between 2 and 3,000*l.* were collected: but this was hardly sufficient to clear away the debts of the institution. The government had recently given 1,000*l.* towards defraying the expenses of this institution; but that was a very inadequate grant for the support of fever-hospitals in the metropolis of the country. It was the duty of government, in his opinion, to support, if not to establish an institution of this nature. There were, no doubt, many excellent hospitals, with great funds, in this metropolis, but their regulation and conduct were much inferior to those upon the continent. It could not, indeed, be unknown to any one acquainted with the hospitals at Paris and Vienna, that those of this country were very much inferior. He apologised for trespassing upon the time of the House, but he thought it his duty to call its attention to this subject, and he hoped it would be deemed worthy of investigation. With this view, he wished that the state of the Fever-hospital in London should also form a part of the inquiry of the proposed committee.

Mr. *Wilberforce* agreed with his hon. friend, as to the necessity of inquiry into this subject, and hoped that a greater supply would be granted by government. He could not but persuade himself that, upon inquiry, the necessity of giving a more liberal supply would become quite evident. Public liberality would be extended with more satisfaction, when it was found that no institution was more successful or attended with less inconvenience. He remembered when the prejudice against such institutions was so great as to render any attempt to extend their benefits ineffectual. This prejudice was now happily removed, and no one had contributed more to remove it than the enlightened and humane Dr. Murray. Contagion was most likely to be prevented by the removal of patients from their own habitations to hospitals. The subject was well entitled to the consideration of a committee for itself, and that was the better course. It was the glory of this country that there was no form of human misery for which there was not an asylum, and relief in some shape or other. The higher orders of the country never suffered an appeal to be made in vain to their benevolence; and among the most active promoters of every scheme of humanity and charity, many members of the royal family could be enumerated. He had said thus much, not from national feelings, but to hold out an example to other countries, and to show the world that England was not less distinguished for her opulence than her benevolence.

Mr. *Brougham* confirmed the statement of his hon. friend, as to the superior management and conduct of the hospitals upon the continent. But then the expense of these hospitals was defrayed by the government, which, of course, had an arbitrary control over them, while the hospitals of this country were, for by far the most part, maintained by voluntary contributions.

Mr. *Philips* gave an account of the good effects which had resulted from the estab-

lishment of fever-hospitals at Manchester, by voluntary subscription. He thought it necessary that government should afford liberal assistance to form a large establishment for the same purpose. With a view to inquiry, he thought it would be much more convenient that a separate committee should be appointed to inquire into the state of the fever in the metropolis.

Sir *S. Romilly* expressed his regret to find, that the institution in London for the cure of fevers was so inadequately supported by government contribution as well as by public beneficence. The subject was of such importance, that he hoped his hon. friend, the member for Shrewsbury, who had so laudably called the attention of the House to it, would, in the course of the evening, move for the appointment of a distinct committee of inquiry. The fever which raged in London was, it appeared, very seldom fatal to the very poorer orders; but when communicated to those who were better fed, numerous instances of mortality had occurred. It was obviously necessary to provide every possible guard against the propagation of contagion. He was sorry to understand, that every effort to maintain the fever institution by public subscription had failed. But it was the duty of government to erect an establishment of this nature, and he was confident that no objection would be expressed or felt in that House or throughout the country, at any expense that might be incurred in the construction or support of such an establishment. Government, he understood, contributed 1,000*l.* annually to the assistance of the fever institution; but how came the sum so small, when some years ago betwen 2 and 3,000*l.* were advanced, at a time when the fever was by no means so dangerous or prevalent? He trusted a committee would be appointed, and that before they made their report to the House, the government would, if the case was found to be urgent, afford such pecuniary aid as should seem proper under the circumstances.

The motion was agreed to, and a committee appointed. On the motion of Mr. Bennet, a committee was also appointed "to examine into the state of Contagious Fever in this metropolis, and into the condition of the Institution for the Cure and Prevention of the same, and report the same, with their observations thereupon, to the House."

Motion respecting the Condition and Treatment of Slaves in the Colonies.] Mr. *Wilberforce* said, he had to apologise to the House for having delayed so long to bring this subject before them, but he had not been able to proceed otherwise. He was now only to move for certain West India papers, which would lay the foundation of some farther steps. After the abolition of the direct Slave-trade, the next great object was, the alleviation of the miseries, and the improvement of the condition, of the slaves who had been previously in the West Indies. He could with confidence affirm, that the shutting out of all external supplies of slaves was the surest mode of ameliorating the condition of the slaves who were there. In vain were the best internal regulations adopted, if influxes of fresh slaves supplied the markets, and deranged every attempt at gradual improvement. The morals, the comforts, and the happiness of the internal slaves were sure to be in some measure consulted, if their masters knew of no other supply. It was on this account that he had so strongly approved of the bill introduced by an hon. and learned friend (Mr. Brougham), to whom the cause of the abolition was, on many occasions, so greatly indebted. The act which made the traffic in slaves felony, did great good; but more than this was required. It was necessary to make it so clear, so palpable, so undeniable, that fresh supplies of slaves were not to be obtained; that their masters must look upon it as a thing quite impossible. It was upon this principle that he had two years ago proposed a bill of registration—a measure to which it could not be supposed that he entertained a bigotted attachment, or even a parental feeling, since it was not his own offspring, but that of an hon. and learned friend. He entreated the House, however, to consider whether any other measure was likely to prove so effectual, and whether it was possible to accomplish the end which all now professed to have in view, without guarding in the strictest manner against every variety of evasion. Perhaps it might be thought by some that he felt an unreasonable jealousy on this subject. He was not much disposed to controversy, but when he recollected what had always been the declared sentiments of those on the other side the water, and that not only the general voice in the West India islands, but the opinions of all their historians and legislators had uni-

formly been, that no arrangement of naval search could prevent continued importations, he could not regard himself as appearing singular in entertaining his present apprehensions. If he found this opinion now changed in the West Indies, was it not, under all the circumstances, a source of natural suspicion? With respect to the argument, that the prosecution, of the work had better be left to the colonial legislatures, he had not, when it was brought forward, felt so sanguine as many others in his expectations from that quarter. He had, notwithstanding, assented to the propriety of leaving it to them to make the experiment, and of waiting to see the result of their several endeavours. The object of his present motion was, to obtain information as to what had been done in conformity with this arrangement. It might be said, that these proceedings ought still to be left to the voluntary zeal and to the efforts of the affluent and liberal members of the West India body; but it had ever been to him a subject of deep regret and continued disappointment, to see that more enlightened portion of the colonial interest making common cause with classes of a different description. He had always distinguished, in his own mind, these separate orders of that great society; had always ascribed many of the evils he deplored to the absence of the larger proprietors; and had earnestly wished to see them acting and thinking for themselves, in the introduction of reform and gradual amelioration. When, however, it was known, that the recommendations of such men as Mr. Ellis and Mr. Barham had failed to make any impression on the colonial assemblies, he could place no firm dependence, except on the legislation of the mother country, and could put his trust in no other guarantee than one which should render the commission of the offence impracticable without detection and punishment. This he thought would be the operation of an act for establishing a registry of slaves in our West India colonies by authority of parliament. The House would see, when the papers for which he intended to move were presented, what had been done; and he hoped they would remember, that it was their duty to watch over the interests of a million and a half of beings who were at length recognised as their fellow-creatures. Their condition and their claims were entitled to the most serious consideration, and required the exercise of the utmost attention to the question, whether, it was possible to prevent illicit importation by any other means than the measure he had recommended. He should conclude by suggesting, that our own exertions in this cause, in our negotiations with the other powers of Europe, imposed upon us the additional task, with a view of completing the work in which we had so meritoriously engaged, of preventing, in future, all this improper intercourse between Africa and the West Indies.—The hon. gentleman then moved, "That there be laid before this House, Copies of all Laws passed in or for any British Colonies since the year 1812, and not already presented to this House, respecting the condition and treatment of Slaves, or the prevention of the illicit importation of Slaves; and also respecting the condition of the free coloured Population."

Mr. *Goulburn* assured the hon. member, that nothing could be more gratifying to his feelings than to promote any measure which had for its object the bettering the condition of the slaves, and the prevention of any farther clandestine importation. He felt what the country already owed to the exertions of that hon. member on this subject, and he assured him, that if he ever had had occasion to differ from him on the subject of illicit importation, it had not arisen from an opposition to his principle, for he admitted fully the right of the British parliament to interfere but from a wish to conciliate all the West India proprietors, and to show them by a mild system how very much it was their interest to adopt measures tending to the same object which the hon. mover had in view. To the measure of a registration he was not hostile, but he believed the object would be best accomplished by first conciliating the good disposition of the colonists to its introduction. It were better, in his judgment, to have a measure less perfect, with the acquiescence and cordial support of those who were to execute it, than a more perfect measure, opposed by their prepossessions against it. He had ever thought that the abolition of the Slave trade must be the first point from which an amelioration in the condition of the slaves must flow. The sense of their own interests would induce the planters to look to the well-being of their slaves. From the ruin in which the planters, during the commercial embarrassments of the last war, were involved, it was

actually impossible to pay the attention that was due to that part of their interests, but now that the fortunate change of circumstances promised the most prosperous results, he did believe that the day was not far distant when such a change would take place in the condition of the black population of the colonies as would be most beneficial to them, and highly honourable to the character of this country.

Mr. *Marryat* concurred in opinion, that the best means to make the colonies see their own interests in the treatment of the slaves was, to cut off all farther supplies. This had been the practice of every nation where slavery had been carried on, and was afterwards abolished. At the same time he thought that the conduct of the colonists needed not any stimulus at present in the treatment of their slaves. Their conduct praise-worthy as it must be admitted to be, was a direct answer to all the calumnies which had been used against them for so long a period. This would, he had no doubt be made apparent from the perusal of the papers moved for.

Mr. *W. Smith* thought the hon. gentleman might have spared his reproaches even if they were well founded, at a time when all sides were disposed to congratulate each other on the prospect of success in their endeavours on this subject. In reviewing the conduct of himself and the other abolitionists, who persevered to the accomplishment of that great measure, he never would accept or acknowledge the imputation of having dealt in either inflammatory or calumnious language.

The motion was agreed to.

Mr. *Wilberforce*, before he proposed his next motion, was anxious to state, that he felt as strongly as his hon. friend (Mr. Goulburn), the beneficial effects of having allied to their cause, the good will of the masters of the slaves. But he should not act honestly, if he did not declare his jealousy on that point. He was an old soldier in this warfare. His hon. friend was much younger, and youth was the season of confidence. It was under the influence of experience also, that he received with indifference the imputations of the hon. member to which his hon. friend who spoke last, adverted. Indeed, when he heard such observations advanced in that quarter, he always attributed them to the situation the hon. gentleman held. He could not, however, agree with him, that the supply of foreign negroes was entirely cut off in the West Indies. He believed he could point out instances of recent importation. It was never his opinion that the simple abolition of the Slave trade would afford a sufficient remedy. Neither did he now think that the registration, important and necessary as it was, would wholly remove the abuse. He knew that he had been considered too moderate by many. Indeed, his deceased friend, the late Mr. Dundas, had gone the length of proposing to emancipate all slaves born after the year 1800. This he should have had no objection to, but he thought it more advisable to proceed by the means he had done. He then moved for, "Copies or Extracts of such Accounts as have been received from the said Colonies respectively since 1807, and have not been hitherto laid before this House, showing the increase and decrease of the number of Slaves; and also of the free coloured and white Population; also, the present numbers of the above classes; and as far as the same can be given, the changes in the relative proportion of Males and Females in the Slave Population."

The motion was agreed to; as were also motions for; "Copies or Extracts of all Acts passed in furtherance of the objects of the Address of this House, of June 19, 1816, 'That his Royal Highness would be 'pleased to recommend, in the strongest 'manner, to the local authorities in the 'respective colonies, to carry into effect 'any measure which may tend to promote 'the moral and religious improvement, as 'well as the comfort and happiness of the 'negroes:' And "Copies of all executive and Judicial Proceedings held in any of the said colonies, connected with, or in furtherance of, the objects of the said Address; together with copies or extracts of all such correspondence relative to the said objects as may be communicated without detriment to the public service."

Motion respecting the Treatment of Slaves in Dominica.] Sir *Samuel Romilly* said, he rose to make the motion of which, a few evenings since, he had given notice, in order that the House might authentically be put in possession of certain information that had come to his knowledge, with respect to the condition of slaves in the West Indies. They had often been told of efforts made by persons in the colonies, for the purpose of ameliorating the condition of the slave population. But of what avail were laws, if they were not carried into effect? He believed his state-

ment would clearly prove, that the laws which had been made in the colonial assemblies, for the relief of the slaves, had not been acted upon. It was very possible, that, in the course of the facts he should detail to the House, some inaccuracies might be pointed out; but he hoped he should not, therefore, fall under the censure of the gentlemen opposite, since he had taken the utmost pains to make himself acquainted with the truth. If, therefore, any incorrectnesses were observable, he could conscientiously say, that he was perfectly innocent of willingly promulgating it. He would not on this or any other occasion advance what the hon. gentleman opposite (Mr. Goulburn) denominated inflammatory statements. He should rather under-rate, instead of exaggerating, the information which he had received. There were already some papers before the House, connected with the subject; but he was anxious that all the evidence which could be obtained should be submitted to parliament. The documents to which he alluded he had moved for late in the last session. They were important, but they did not embrace the whole question. He had so worded his motion, for the production of the other papers, as in his opinion, to leave no ground for objecting to it. His motion would be for copies and extracts of certain papers in the office of the secretary of state for the colonial department, leaving it of course, to the proper officer to select such documents, or parts of documents, the production of which would not injure the public service.

He should now proceed to a detail of the facts which induced him to submit this proposition to the House. In the spring of the year 1817, several cases came before the grand jury of Dominica, in which it appeared that great cruelty had been exercised on the persons of slaves, by their masters. The first of them was a case in which John Baptiste Louis Birmingham, doctor of medicine, was charged with having, violently, cruelly, and immoderately scourged and flogged certain slaves, the property of and belonging to the said John Baptiste Louis Birmingham. If the slaves had been guilty of the misdemeanors with which they were charged, they were liable to 39 lashes; but they were not found guilty, and yet, as soon as they were acquitted, they were brought out into the public market-place, and underwent the penalties limited by the law. This bill was thrown out by the grand jury. Another case was that in which John M'Corry, esq. was charged with having, with cords, whips, sticks, and rods, immoderately scourged and flogged his slave, Jemmy, who, it was stated, had been guilty of drunkenness, quarrelling, fighting, neglect of duty, absence from labour, or absence from the plantation, without a written pass. This bill also was thrown out. A third case was (and a most horrible one it was) that of Alexander le Guay, of the said island, planter, who was charged with having assaulted his female slave, named Jeanton, and that he did confine the said Jeanton in an iron chain, by affixing and fastening the same with padlocks in and upon the neck, arms, and legs, of the said Jeanton, such punishment not being prescribed in and by a certain act of that island in such case made and provided; and it was farther charged, that the said Alexander le Guay maimed, defaced, mutilated, and cruelly tortured the said Jeanton, by fracturing, and causing to be fractured, her arm. This bill likewise was thrown out. But not contented with this, the grand jury thought fit to declare, that these several indictments were nothing more nor less than nuisances. Their words, as appeared by the return made to the House, were these: "The grand jury have farther to present the dangerous consequences which are likely to occur from the number of indictments for unmerited punishments inflicted on negroes by their owners, managers, or employers, which have been laid before them this day, unsupported by any evidence whatsoever; on the contrary, it appeared from the evidence, that in some of the cases the negroes merited the punishment they received." This presentment was dated Dominica, grand jury room, the 4th day of February, 1817: and was signed by John Gordon, foreman. In consequence of these proceedings, the attorney-general (W. W. Glanville) had thought it expedient to have recourse to informations, ex-officio, considering it not right to trust to grand juries again. [Hear, hear!]

The House had heard the nature of the offences with which the parties was charged, but, in each case the persons were acquitted. Now it were well known that, in England, the information of an attorney-general was regarded as an odious measure; but it appeared that, in

Dominica, the attorney-general deemed it an expedient measure for the protection of the black population of the island. He was sure that the House could not but be sensible of the necessity of affording the greatest encouragement to the government of these islands to take the slaves under their protection. The laws were beneficent—but what availed the laws, when the unhappy slaves could not avail themselves of them? Neither the slave, nor his family, nor friends, could obtain any redress against the cruelties of his master. The slave was cruelly treated, and the public sympathized with the master. It was the duty of the government to protect the laws, and, without that protection, no security could be afforded. He was disposed to speak kindly of the West-Indian legislatures; but he would ask again, to what purpose were such laws enacted, if they were not observed? There was a general concurrence in opinion in the West India islands, that nothing was more improper than to interfere between master and slave: it was thought to have a tendency to excite a disposition on the part of the slaves to revolt. This, he believed, was the general impression; but he should be glad to find that he was mistaken. The object of his motion was, to confine the inquiry to the island of Dominica; and he was sure that such an opinion prevailed there. In the island of Dominica, there was a species of punishment called "the public chain;" and, if any master thought that his slave had offended, he had a right to send him to that punishment. Men, boys, and even girls of the most tender age, had been subjected to this mode of torture; and the governor found that he could not interfere. The governor, willing to alleviate the sufferings of these wretched people, consulted the attorney-general, who gave an opinion, that he had no right to remit the punishment awarded by the master. It appeared that, in the island of St. Domingo, the slaves were liable to be sent to the public chain, and from a work which he then held in his hand, the cruelties inflicted by this kind of punishment were described as follows: "The slave who has been found guilty of any misdemeanor shall be put into the workhouse, where his labours are much harder than in the usual course of employment; he is employed to dig, and to perform other difficult duties, with a chain fixed about his body, and attached to other culprits, leaving him merely room to walk, whilst he is driven on to work by cattle whips, and other modes of castigation." [Hear, hear!] In this view of the case, it was most important to observe, that the king has the power of mitigating all sentences of punishment in this country, except those which are founded on an impeachment by the Commons; but, in the island of Dominica, the prerogative is limited by the power of the masters. [Hear, hear!] If the evils that existed in the administration of the laws in the colonies could be remedied, it was right that that should be done as soon as possible. If it were possible that there could be any check given to grand juries and to petty juries in Dominica, it was proper that that should be given. He confessed that he was not able himself to suggest any remedy, and he was disposed to think that no remedy could be procured but by the interference of the British legislature, and by their imposing a duty upon persons in the island, unconnected with the island, having no local tie to it, and comparatively without interest in it, to cause them to maintain the laws. The only effective remedy, in his opinion, would be that which had been recommended by Mr. Burke to Mr. Dundas, and published in his posthumous works, which was, to constitute the attorney-general in every island guardian of the slaves, to make it an essential part of his duty to interpose between the master and the slave when there should be a necessity. By such a regulation, it would become their duty to see that the slaves were properly treated.

There was another thing which he thought necessary, though he did not say that it would be resorted to, he only thought it his duty to mention it, and that was, the legislation of this country for the colonies. The idea of that had excited great discontent. It had been said, that this country had not properly the power of legislating for her colonies. It was needless for him to state, that that had been already done in numerous instances. He might only mention, that it had been done in the act by which colonial property was made liable as assets for debt. He might refer to that series of political controversy that had taken place during the American war. It had been said, that England could not legislate for her colonies on the very principles of her own constitution, and that they ought to enjoy that constitution. Taking the matter, however,

seriously into consideration, no man could for a moment imagine that the constitution could immediately apply to any of these colonies. The constitution should be taken in every part; it should be taken as a whole. It held that all men stood in a state of equality; that all men stood equal by the law; and that was talked of where it could not possibly exist. The moment an individual set his foot upon the British shore, he became as free as any other individual. But what could be more inconsistent than the conduct of those who talked of establishing that principle in the West India islands? The constitution would be then reversed and destroyed. What was recommended would be under the auspices of British liberty, rendering slavery worse than under the most arbitrary government. Arbitrary governments, indeed, did make laws for their colonies. But as to the principle, that no man could be bound by laws to which he had not consented, could be applied to islands so situated, no man could imagine any thing more absurd.

He should now call the attention of the House for a few moments to another subject. The laws passed in Dominica, no long time since, for the purpose of encouraging the manumission of slaves, had not been attended to. A slave born on the island was obliged to pay 16*l.* 10*s.* for his manumission, and those not born on it were obliged to pay 35*l.* A man of colour, though a freeman of another island, became, by law, a slave, if he did not pay a tax immediately on his arrival at Dominica. The law by which this was enacted was passed in June, 1810 It stated, that "No person of colour, coming from another island or colony, is entitled to his freedom, unless he produce a certificate and pay a certain tax." This was the enactment of those who talked of the British constitution. A slave once landed on the British coast became a freeman; but a free man of colour, it appeared, the instant he touched the soil of Dominica, became a slave. By another law, any slave who came to the island, if not claimed by his master within a certain time, was sold for the benefit of the public. The whole of these laws were founded on a principle diametrically opposite to that which formed the basis of the British constitution. Since the Abolition act had passed, every temptation should have been given to manumission, instead of obstacles being thrown in its way. For though no person could entertain the idea of freeing all the slaves in the West Indies, yet the time might come, however distant, when there would be no slavery there. That event would most safely be produced by gradual manumission, by education, by improving the situation of the slaves, and encouraging marriages among them. The whole spirit of the laws he had quoted was completely contrary to this: they went to render the state of slavery perpetual. With respect to those laws, which looked so well on paper, which appeared so well calculated to benefit the slave population, they not only were not executed, but were never intended to be carried into effect. On this point, the observation contained in a dispatch from governor Prevost to marquis Camden, written in January, 1805, afforded very strong evidence. Governor Prevost there says—"The act for encouraging the better government of slaves lately passed in Dominica, appears to have been considered, from the day it was passed till this hour, as a political measure, to prevent the interference of the mother country in the management of the slaves." The facts which he had stated were, he conceived, an extremely clear illustration of this statement. But it should be recollected, that, though those unfortunate beings were the slaves of their masters, they were also the subjects of the king. They owed him allegiance, and would be as severely punished as any other men, nay, more so, if they were to violate that allegiance. The king was bound to afford protection to them: they were as much subjects as Englishmen were.

He would not take up the time of the House, but should merely observe shortly upon facts that had taken place on another island; and let it be observed, that he should only state those facts to show the general feeling. It had been said, that cases might be cited of great enormity, and by that means imputations might be thrown upon a whole community. It was by no means his intention to estimate the British or any other character from cases of particular cruelty, but he should mention the case on which he was about to enter, merely for the purpose of showing what was the general feeling on such subjects. In that case, the same Mr. Huggins who had formerly been the subject of conversation was materially concerned; that person was still, he believed, a man of considerable opulence and in-

fluence in the island of Nevis. He had been before brought to trial for cruelty to slaves of his own, and there had been a general opinion against him. He had been lately brought to trial for cruelty towards the slaves of another. A Mr. Cottle had left him his attorney when he left the island. The case was, that he whipped two boys very severely who were charged with theft; they were two very young lads who had been accused of receiving a pair of stockings that had been stolen. They were stated to be very young, and not to have suffered any punishment before. Huggins ordered them to have each 100 lashes. Where there was a law it should be observed, 39 lashes was the utmost punishment of the kind that was permitted; but Huggins, as Mr. Cottle's attorney, by his own authority, sentenced the boy to receive 100 lashes each, and they did receive them. He related the facts from notes taken on the trial, on the accuracy of which he believed he could depend. There were present at the infliction of the punishment two female slaves; one was the sister of one of the boys, and the other a relation of one of the lads, who had been treated with great kindness by Mr. Cottle. For no other offence than their having shed tears, he ordered them, the one 30 lashes, and the other 20. Huggins was brought to trial by the senior king's counsel, exercising the duties of attorney-general. The facts were established; he was acquitted; and it was thought a most odious interposition on the part of the attorney-general. If such a prejudice existed against interference between the master and the slave, he thought it ought as soon as possible to be destroyed. The opinion of the attorney-general, to which reference had been made on the subject, he should take the liberty of reading. The hon. and learned gentleman then read the opinion, the substance of which was, that the governor could not pardon a slave who had been condemned to labour by his master for any offence, to be assured of which it was only necessary to examine the definition of slavery. The opinion then defined slavery, and showed from the definition that a slave could have no civil rights, but was the exclusive property of his master, equally transferrable with any other possession.—Sir Samuel concluded with moving, for "Copies or Extracts from all Dispatches, Letters, and Papers, in the Office of his Majesty's Principal Secretary of State for the Colonial Department, which in any manner relate to the Cases of John Baptiste Louis Binningham, Alexander Le Guay, and John M'Corry, against whom bills of indictment were preferred by his majesty's attorney general for the island of Dominica, and to the Presentment made by the Grand Jury of the same island on the 4th day of February, 1817, and to any Presentment made by the Grand Jury at Dominica at any subsequent period, which in any manner relate to the power of the owners of slaves in the same island to send their slaves to be kept to hard labour in the public chain, and to the right which the governor may have, by virtue of the royal prerogative, to remit the punishment of slaves so condemned by their masters to be kept to hard labour." Also, "Copies or Extracts from all Dispatches, Letters, and Papers, in the Office of his Majesty's Principal Secretary of State for the Colonial Department, which in any manner relate to the Case of Edward Huggins the elder, tried in the island of Nevis, in May last, for Cruelty to certain Slaves under his charge."

Mr. *Goulburn* said, that as on the one hand, it would not be supposed that he should give credit to accusations without complete evidence, so, on the other hand, he could not be expected to stand up in his place to defend cases of the deep hue which the hon. and learned gentleman had made the subject of his speech. It would not be expected by that House, or by any individual in it, that he should defend persons, either the principals in, or accessory to, acts such as had been described. All he wished was, that, in considering the subject, the House would guard against forming any opinion till they heard the other side of the question. He might appeal to the hon. and learned gentleman himself, if in the larger islands there were not the most beneficial legislative enactments for the protection of slaves; and he might also appeal to him on the subject of the feeling and temper in their favour. He might appeal to the improvements that had been made in agriculture, which materially diminished their labour, and the improvements in the estates. In the islands to which he alluded, the principles there laid down were not intrenched upon. In Jamaica, there were slaves possessed of considerable property; there were, indeed, instances in which they had bought their freedom by

the earnings of their own industry. He appealed to the hon. member for Stockbridge, who had stated that he himself had been the purchaser of considerable property from slaves, and had declared at the time that that was not the only instance of the kind he had known. There was a difference between the statement of the hon. and learned gentleman, and what appeared to be the fact. He had mentioned two presentments. The circumstances respecting the only one of which he knew agreed exactly with the description of the second the hon. and learned gentleman had mentioned. The document said to be the presentment of the grand jury was, however, no presentment whatever. [The hon. gentleman then read part of a letter from the house of assembly to the governor, stating that the presentment had been rejected by the bench, and had never come to the records of the court.] The date of the latter presentment was, he believed, the 17th of February.

Sir *S. Romilly* said, the presentment that had been made, and never entered on the records, was dated in August. The previous presentment was dated in February.

Mr. *Goulburn* considered that, at all events, what had happened might be taken as implying that the legislature wished to remove impressions that were connected with such affairs. In judging of such a case as that before them, the House could not come to any conclusion without having fairly before them the whole of the evidence; and previous to the noble lord at the head of the department entering into any examination of the most particular case which had been mentioned, he had thought it right to have all the necessary evidence, which it was but justice to examine. With respect to the case mentioned by the hon. and learned gentleman, as having occurred in the island of Nevis, he could say nothing to it; as, having been ignorant of the hon. and learned gentleman's intention to allude to it, he had not collected the necessary information. Indeed, he was not sure, if such information had yet reached the office to which he belonged. If it had, he should have no objection to produce it. He hoped the House would do him the credit to believe, that he would not stand forward to defend any criminal, or to palliate any cruelty. The best means of exposing the one, and of preventing the other, was to lay full information before parliament, to keep a watchful eye on the transactions of our colonies, and to express an utter abhorrence of all cruel and unjust treatment, like that detailed by the hon. and learned gentleman, if the accounts of it were supported on proper evidence. He had no objection to produce the papers moved for, so far as he could; but he begged that the House would excuse the imperfect state in which it might be in his power to grant the requisite information.

Mr. *J. H. Smyth* was happy to hear such sentiments as those uttered by his hon. friend, and to learn his readiness to communicate the desired information. It was with great satisfaction he likewise heard that the state of society in the West India islands was improving, and that it was not nearly so bad in the larger and more populous as in the smaller islands; but while this progress towards amelioration was calculated to give satisfaction, it was not sufficient to warrant the House in withdrawing its superintendence or relaxing its vigilance. Much had been done, but much yet remained to be accomplished. When he considered that in none of the colonies any steps had been taken to encourage the manumission of slaves; when he considered the treatment to which in all the colonies they were still subject; when he considered that the cart-whip was still resorted to as an instrument of discipline; when he considered that slaves were still discredited as witnesses, and that their evidence could not be taken in a court of justice; when he considered that such a state of servitude as this existed in all our colonies, however modified by the individual humanity of the masters, he could not help thinking it the duty both of this and the other House of Parliament to keep a watchful eye over that part of the British dominions, for the protection of those who might be exposed to oppression.

Mr. *A. Grant* said, he did not rise to oppose the motion, or to abet the practices to which it referred. The cruelties stated by the hon. and learned gentleman, if his statement should be found to be supported on proper evidence, had his unqualified abhorrence. As he was ignorant of the grounds on which those statements rested, he could not object to their truth, nor could he complain that they had been brought forward. There were

parts of the hon. and learned gentleman's speech, to the spirit and tendency of which he strongly objected. He alluded to those parts of it in which he stated, that in Dominica and Nevis, to which his motion referred, there was a disposition to enact laws for the protection of the slaves, which were never intended to be executed, and then appealed to the fact asserted of those two islands as a proof of the general spirit and disposition of all our West India colonies. He did not mean to find fault with the general tone and temper of the hon. and learned gentleman's speech, in which he professed a wish to be conciliatory; but he would appeal to his candour, whether such a sweeping inference ought to be drawn regarding the whole of our colonial possessions, from the instance of two of the most insignificant. He did not know the amount of the population of these two islands; but he could say, that it was very inconsiderable when compared with the rest. While they scarcely shipped six hogsheads of sugar to this country, Jamaica alone sent 130,000 hogsheads. How unfair was it, therefore, to apply the language which might be spoken of possessions so insignificant to the state of society and the principles of legislation prevalent in all the other islands? He could assure the hon. and learned gentleman that the legislation of the large colonies was conducted on very different principles from those which he had stated. No law was made in Jamaica which was not enacted on the perfect conviction of justice and policy, and which was not intended to be applied and executed. The hon. and learned gentleman had asked, whether an interference between master and slave was not always discouraged in the colonies, and strongly objected to on the part of the planters? He would answer the appeal in the affirmative, so far as legislation was concerned, and so far as those not sufficiently acquainted with the circumstances of both might wish to interfere; but this admission did not apply to persons within the islands. Nothing, indeed, was more common, as he could assert on his own personal knowledge, than the latter kind of interference. When a slave was ordered to receive punishment by his master, it was a very general practice for him to slip away privately to tell some neighbouring planter, and beg his intercession for a remission or mitigation of his sentence. If the slave was met going on this mission and asked his object, he would answer, that he was going to get a ticket, by which was meant a letter from a clergyman or magistrate requesting a pardon or a mitigation of punishment. This intercession was often effectual, and never objected to. If, then, a master was willing to tolerate the interference of the characters whom he had mentioned, who were clothed with comparatively little authority, was it to be believed that he would object to that of the highest law officer in the colony? The attorney-general in Jamaica might be often, from the great extent of the island, at the distance of 100 or 120 miles, and therefore could not be applied to on all occasions; but was it to be believed that masters who admitted the interference of the minor authority, would object to that of the higher? When he considered this and similar charges of the hon. and learned gentleman, he must say, without meaning any disrespect, that his speech was conciliatory in his words, but injurious in its tendency. It began by complaining of certain practices in the islands of Dominica and Nevis, and then applied the inference drawn from those practices to Jamaica and all the West India islands. If such a speech went forth uncontradicted to the public, as, from the interest attached to the subject, it certainly would do, he submitted to the House that it might produce very wrong impressions regarding the character of the West India proprietors. Its object was not to misrepresent, but its tendency was. He need mention nothing farther to show this tendency than the reference to the state of St. Domingo, which persons ill-informed, or willing to be deceived, might apply to the state of society in the British possessions. To confirm impressions so created, the House, whenever punishment was mentioned, heard of the cart-whip, by which an idea of the severity and cruelty of the treatment of slaves was meant to be conveyed. [Hear, hear! from sir S. Romilly, who asked across the table, was the instrument of punishment not a whip?] Most undoubtedly it was a whip; but why use the odious and invidious term of a cart-whip, implying a brutal infliction of severity, instead of a necessary correction? In what the hon. and learned gentleman had said about public chains, there was the same tendency to mislead. He did not deny that

forced labour in chains did exist in Jamaica. Runaway negroes were put into a workhouse and chained for the purpose of security. Various species of punishments were resorted to on the island suited to the different kinds of offences. One of these punishments was transportation, and between passing of this sentence and its execution, the slaves were confined in a workhouse, and compelled to labour in chains. These chains, however, were employed more for the purpose of preventing escape than inflicting punishment; and the work to which they were compelled was rather intended to promote their health than to gain any thing by their industry in this situation. They neither suffered in this case from their labour or their chains. The hon. and learned gentleman, in speaking of the hundred lashes inflicted in one of the islands, had stated truly that only 39 could be inflicted in Jamaica. This, he had reason to believe, was not regarded by the slaves themselves as a very severe punishment, and he should be glad if circumstances would permit its severity to be lessened. He had never seen the punishment inflicted in his life, but he could judge of it from what he had seen. He had sometimes been applied to for a ticket similar to that to which he alluded, either for a remission or a mitigation of punishment. Slaves were sometimes sentenced to be corrected by the stocks (similar to those used in this country) or by solitary confinement; and in such cases those who applied to him, if they had no prospect of a full pardon, begged that he would interfere to get that species of punishment commuted into the 39 lashes. This preference sufficiently showed that these lashes did not cause so great suffering as was generally imagined, or were inflicted with that severity which was generally described.

Mr. *Anthony Browne* said, he was not aware of the circumstances in Dominica, which had been so impressively stated to the House, until he heard them from the hon. and learned gentleman who made the present motion, and he viewed them with feelings of regret and abhorrence, not less sincere than those of the hon. and learned gentleman. The hon. and learned gentleman had, however, applied his great talents to give a colouring to their case, which might or might not belong to it, when the papers came to be produced, from which alone the House could judge of its true nature and character, and he had given a colouring to the case in the island of Nevis, which, from what he had understood of it, did not belong to it. The observations of the hon. and learned gentleman, with respect to the case in Dominica, related to two objects, first, the severities of punishment, and next, the inadequate and defective administration of the criminal justice of the island, with a view to the protection of the slave from the cruelty of the master. The first was a question of fact, altogether not only unsupported, but negatived indeed by the only paper which had been laid upon the table of the House, by which it appeared that the grand jury refused to find the bills of indictment that were preferred by the attorney-general against the masters; and yet, unsupported as the charge was, and negatived as it was, upon the return of the grand jury, the hon. and learned gentleman took upon himself to argue that this was a case distinguished by circumstances of great cruelty and oppression, and not merely a case of great cruelty but he infers, that it is a sample of the general treatment of the black population, and a pregnant proof of the prevailing feeling of the colonies towards that description of persons. He denied the fact of the mal-treatment, and he was more authorized in denying it, than the hon. and learned gentleman in asserting it; but he denied still more confidently, the inference which he had attempted to draw so injuriously to the other class of the population, whose duty and whose interest it was, to afford to the negroes the advantages of their protecting care and kindness. If it should turn out to be a case of cruelty, let the odium rest where it justly belongs; but he protested against it as any proof of the prevailing disposition in the colonies towards the mal-treatment or cruelty of slaves: not merely as an unfair deduction in point of argument, but as altogether unfounded in fact, from every thing that he had heard and from every thing that he had reason to believe. But the hon. gentleman says, that this conduct of the grand jury is a reflection upon the administration of criminal justice in Dominica. This charge is undoubtedly one of a very grave and serious nature; it personally affects the individuals who, upon their oaths, pronounced the judgment which is complained of, and it affects the general character of the island; in the absence, too,

of that evidence which was submitted to the grand jury, and upon which their judgment was formed. The hon. and learned gentleman is a distinguished ornament of the profession to which he belongs; and he submitted it to his candour, whether it could be useful to throw out this general censure, merely because a judgment has been pronounced, contrary to what, in his view, the justice of the case required.

The hon. and learned gentleman has given a colouring to the case in Nevis which he had reason to think did not fairly belong to it. He was not aware of the circumstances of this case until yesterday, when the respectable gentleman who is agent for the island, submitted to him the facts connected with it as they came out upon the trial of Mr. Huggins, and upon the previous examination before a magistrate. He stated these circumstances from memory, and he hoped the House would do him the justice to believe that he was incapable of stating them contrary to the impression which they made upon his mind; he was no apologist of the conduct of Mr. Huggins. The circumstances of a former case, well known to the House, had brought great discredit upon himself, and no slight reproach upon the general character of the colonies; but whatever may be the indignation arising from his former conduct, he hoped that the prejudice was not so strong as to preclude the fair investigation of truth in this case. The circumstances were these: a negro belonging to a gentleman for whom Mr. Huggins acted as attorney was concerned in a theft, and two other negroes were charged with being the receivers of the goods stolen. The theft was acknowledged, and though the receivers denied having received the goods, yet they were found in their possession. They were therefore ordered by Mr. Huggins to be flogged; but whatever was the number of lashes, it had no very great effect upon them, for it appears that they were both at a negro masquerade the night after, the one in the character of Buonaparté, the other as the duke of Wellington.—With respect to the punishment of the women, the hon. and learned gentleman has not given a fair representation of the case. They were not punished for shedding tears in consequence of the punishment which had been inflicted upon the men, but for violent yells and refractory conduct; tending to excite opposition to the punishment on the part of the other negroes, and to set at defiance the authority of the master; they were not tears of sorrow, but tears of outrage and obstinacy [Hear, hear!].—It was stated too, that one of them had been brought up as a domestic in Mr. Cottle's family, and treated with all tenderness and kindness. This is no doubt true, but it is also true that Mr. Cottle, before he left the island, had dismissed her from his house in consequence of her violent and refractory conduct, and put her to work in the field, and Mr. Cottle who was here, had given his approbation to the course Mr. Huggins had adopted. But the hon. and learned gentleman had impugned the whole island, as if the trial was a sort of mockery, the result of which was anticipated and desired by the community. The fact, however, is, that the council and assembly, influenced no doubt by a keen recollection of the stigma in which the former conduct of Mr. Huggins had involved them, ordered the prosecution against him by the resolutions of the two Houses: and in order that the prosecution might be conducted with effect, they sent to governor Probyn for the assistance of the attorney general, and the cause came to trial with all the advantage which could be afforded to it from the talents, the experience, and the character of the attorney general. What more could be done under any circumstances—what other steps could the House of Commons have taken in a case where a prosecution might be ordered by them—what room is there, therefore, to doubt the sincerity of the island of Nevis upon this occasion, and what justice can there be in the attempt to impugn the proceedings of a public body, and to throw them into discredit in this country?—These were the circumstances of the case as they appeared from the papers submitted to him by the agent for the island, and they led him to think that the hon. and learned gentleman had given a colouring to this case which did not belong to it.—With respect to the Dominica case, he knew nothing of it, but he conjured the House not to draw an unfavourable impression of the general system from these or other cases of severity of punishment which were rather to be expected than wondered at; if they should turn out to be cases of enormity, let them be visited with reprehension, and he would go any length in applying a remedy that might be con-

sistent with the security and protection of the persons and property of the white population; and he assured the hon. and learned gentleman, that if he could devise any means of promoting the comfort and the happiness of the blacks without weakening the bond of union between master and slave, he would confer a service upon all persons connected with that system, which would make him live in the history of the colonies long after he himself should be no more.

Sir *James Mackintosh* said, that the House had heard the defence which had been set up in answer to the statement of his hon. and learned friend, of certain acts committed by a man named Huggins, infamous for his barbarities and atrocities on a former occasion. It had not been disputed by the hon. gentleman who spoke last, that the greatest atrocities and barbarities had disgraced the conduct of that individual on a former occasion. Having stated that there was a universal concurrence in this opinion with respect to his former conduct, with what surprise had he heard quoted by the hon. gentleman who spoke last, a certificate of the good conduct of that man, from the person who was capable of employing him as an attorney over slaves, towards whom his barbarity had resounded throughout the whole world [Hear, hear!]. The approbation of such a master weighed in a very different manner with him from what it had done with the hon. gentleman. It seemed to him the testimonial of a leading criminal to an accomplice in a common guilt. Such a testimony could only operate against the master, but never could avail the servant. With respect to the punishment of the two boys and the two women, whose feelings were agitated by that punishment, he would observe, that the hon. gentleman who had accused his hon. and learned friend of putting his own colour on the facts stated by him, had here put his own colouring on the facts—for the facts were the same—the only difference being the discovery of the hon. gentleman of the state of mind which had produced those symptoms in the women for which they were subjected to punishment. The hon. gentleman had said they were not tears of sorrow, but yells—he should have thought the proper expression yells of horror—but the hon. gentleman, who was better acquainted with what was passing in the minds of those females—called them yells of obstinacy. It was the violent expression of the painful feelings with which they witnessed the punishment of persons who were dear to them. According to the hon. gentleman they were yells of mutiny, and denoting an intention of interrupting the punishment. This construction, he owned, did appear to him a most singular one. This he believed was the first time in the history of tyranny, of spectators having been punished for expressing their feelings on the punishment of those who were near and dear to them. [Hear, hear!] But the hon. gentleman said, they were yells of obstinacy—that they were expressions of mutiny? How did the hon. gentleman know that? Perhaps this was the only instance in modern barbarity of spectators having been punished for a mere expression of sympathy. Never but once had it occurred even in Roman history; and he had heard Mr. Pitt once repeat from Livy, on a melancholy occasion, as the highest aggravation of infliction, that "ne gemitus quidem populi Romani liber fuit."—The hon. gentleman had said, that the council and assembly had agreed that Huggins should be prosecuted, and had sent for the attorney general of a neighbouring island to conduct the prosecution with more solemnity; and that they therefore could not be implicated in the cruelties, if any, committed by Huggins. But this was a proof at least of their sense of Huggins's enormities; they probably used every means in their power to bring him to account, and it appears that they went out of their way to farther an act of justice. But would they have done this, unless it had been absolutely necessary; and was it not almost conclusive against Huggins? The hon. gentleman had told them, that the governor of Nevis had written expressing his approbation of Huggins's conduct. In what part of the performance of his duty had governor Probyn done this? Were we to suppose that the governor had any connexion with this Huggins, that he could in any way communicate with one so polluted, so degraded, and so abhorred? The letter could not have been of a public nature, for its contents would then have been known; the letter could not have been a private communication, for it was not to be credited that the governor of a British colony would be on terms of intimacy with one who was not merely an object of horror, but whose very touch was conta-

gious, and whose presence was an abomination. What, then, could have been the subject of this epistle? Was it necessary to heal the wounds which had been inflicted on this injured individual? Was it necessary to wash away the stain from the name of this hitherto spotless character?—He had no feeling of hostility to the inhabitants of the West India colonies; but he did not think their cause or character could be saved by a defence which bore such a character of exaggeration; for nothing, he conceived, partook more of exaggeration than the defence of the hon. gentleman.—With respect to the case of Dominica, he had one thing to observe. The hon. gentleman had not adverted to the principal point: that point was—not that the grand jury had in some cases found no bill, or that the petty jury had acquitted in others: they might both of them have acted thus in the exercise of their constitutional functions. The charge against the grand jury was not for exercising a lawful right, but for overstepping all right; for making the bill presented to be found by the grand jury, a nuisance; and by doing this, they had forfeited all the character of a grand jury. Could any man justify such conduct, or say that there was so much as the shadow of a pretence for it? The hon. gentleman, in omitting this altogether, had observed the rule of an ancient writer—"quæ desperat tractata nitescere posse, relinquit." In consequence of the grand jury throwing out the bill, directions were issued by the governor to the attorney-general to prosecute on an *ex-officio* information. That being done, the grand jury which had attacked the right to present by indictment as a nuisance, proceeded next to attack the prerogative of the Crown of proceeding by information *ex-officio* as a nuisance also. They thus barred up all the avenues to justice. They had put a negative upon the clause of Magna Charta which says "Nulli negabimus, nulli deferemus, nulli vendemus, justitiam vel rectum." Not only was no justice done, but it was deemed a nuisance and public offence to attempt the attainment of it. If that was not their purpose, it was not very easy to conceive with what design they had presented the indictment as a nuisance. After all that deep feeling and heartfelt anxiety with which his hon. and learned friend had brought forward this motion—a feeling which was more creditable to him than the mere professional talent on the score of which the hon. member had thought fit to compliment him—it was to be hoped that some notice would be taken of conduct which it was intended not merely to complain of, but to show to have been inconsistent with all law and justice whatever. It was clear that we had heard of a contempt of all authority, of the scorn in which laws had been held, and of outrages against humanity; and it was on these grounds that his hon. and learned friend had thought it his duty to inform himself of the state of the island, in order to restore or give to it that blessing of equal law which was the best part of good government, and that for which our political institutions were chiefly valuable.

Mr. *A. Browne* in explanation, observed, that the hon. and learned gentleman had been pleased to say that he had given his own colouring to the affair of Nevis, whereas he had distinctly stated, that what he communicated was from the information of a gentleman of Nevis.

Mr. *Marryat* thought it unfortunate that there was no one in the House immediately acquainted with the island of Dominica and its laws. Not being so himself, he could not enter much into the discussion. The hon. and learned gentleman had certainly quoted laws which seemed to be very barbarous, but we had many on our own Statute book that were equally so. But a gentleman of Dominica had desired him to explain the presentation made by the grand jury, and he had it there from the foreman of the jury. On reading the indictment, he had felt the same impression as the hon. and learned gentleman, and as every one else would feel, that the jury had acted illegally; but, on explanation, this impression had been wholly altered. It appeared, on explanation, that the presentment was made in a very different view from that which would be supposed on reading it: it had not been their intention to present all indictments as a nuisance, but only such as were presented without sufficient evidence to support them. This appeared in the case of Mr. Birmingham. There had been a mutiny among his slaves: they had been indicted, but escaped on a flaw: (for there were flaws in indictments there as well as here); he was enraged at this, and his slaves refused to serve any longer under a coloured free man: he then had them secured and sent

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to the market place, where they were punished illegally. The grand jury complained that, on an indictment for this offence, there was not any evidence brought forward; the clerk of the market, the only evidence, not being produced, and the jury were obliged to find no bill. The presentment alleging such bills unsupported by evidence to be a nuisance was so well understood, that the attorney-general was reprimanded for not doing his duty. Another instance of the same sort had occurred, and this sufficiently explained the nature of the presentment, to which he thought there could be no objection on these principles, because nothing tended so much to discontent, as ideas among the negroes that white men were not convicted for offences. There was not the same precision in language in that country as here, nor so much legal learning as the hon. mover possessed; and where a body was concerned in the framing of an instrument, every man would put in his word, and it was generally drawn up incorrectly in the end. The printed papers before the House did not give all the evidence that was necessary. It seemed as if juries were unwilling to convict white men; but the same jury had very lately convicted a white man for the murder of a negro: a Mr. Stranack had shot at a female slave in the act of running away with some of his property. The affair at Nevis should be investigated, but any papers laid upon the table with respect to this place or Dominica should not be *ex parte*.

Mr. *Wilberforce* said, that the arguments of Mr. Browne did not at all convince him that the affair at Nevis was of such a nature as not to require investigation. The negroes who were flogged were said to have been able to appear the next night at a negro masquerade. The source from which this lenity of punishment arose was, if his information was correct, such as to add greatly to the horror of the transaction. It was said, that the father himself of the boy was the person selected to inflict the lash upon him. This was truly unnatural and barbarous; it shocked all the best feelings of human nature. He had, however, a letter from a gentleman, who informed him that six days after the persons flogged exhibited strong marks of severity. The women, according to the accounts he had received, wept upon the occasion, but they did not exhibit such a loud and extraordinary demonstration of grief as that mentioned by the hon. gentleman. In his speech the hon. gentleman had been entirely silent upon a circumstance which added much to the severity of the case. It appeared that one of the women punished was in a state which should naturally excite sympathy and compassion—which should interest in her favour persons possessed of any thing like tenderness. Her arm was said to be broken at the time, and the fact was not contradicted. It was painful to dwell upon these circumstances of cruelty. It was their duty, by every means they could command, to place their fellow creatures, and, he would say, fellow subjects, in a better condition. He did not speak of these cases so much for the purpose of showing the severity with which slaves were treated, as to prove the bad effects arising from the state of degradation in which they were placed. This was the great evil. In the island of Jamaica, particularly upon large properties, they were better off than in other places. It was honourable to that island, that she had not taken any steps to render the manumission of slaves more difficult; but the evil was, that such laws as were most favourable to them were not always zealously attended to. Mr. Burke, speaking on the subject of abolition, said, that the assemblies had done little towards that object, and that what they had done was of no use, because it was destitute of any executory principle. Sympathy was the very soul of humanity. The negroes in the West India islands, differing from their masters in colour, in habits, and in relative situation, were not calculated to excite it in such a degree as to contribute much to their protection. They bore very little or no resemblance to the slaves of ancient times, or to the villains of the feudal system. In ancient times no individual, however great, or wealthy, or learned, could consider himself as completely secured from a state of slavery. From the custom of those early periods, the chance of war might make slavery the lot of every person. There were instances of slaves then who even raised themselves high in the schools of philosophy. These circumstances produced sentiments favourable to them, and tending very much to ameliorate their condition. Such was not the case in the West India colonies. Even the very circumstance of their inadmissibility to be heard as evidence, must prevent them from obtaining justice. The

theft so solemnly alluded to by the hon. gentleman, and which drew after it so severe a punishment, consisted only of a pair of stockings. It was another circumstance honourable to the island of Jamaica, that they allowed negroes there to appear in evidence. After all, however, that sympathy was not felt for them on the other side of the water, which might be expected from men of enlightened understanding. Their state in Barbadoes was most wretched. Lord Seaforth, when governor of the island, endeavoured to improve it by procuring a law to render the murder of a slave capital. After much opposition on the part of the inhabitants, a law of this kind was said to have been passed. The island was at first enraged with the governor, even for proposing such a measure. When it was consented to, and the friends of humanity in this country were led to believe that the condition of the slaves in that island was much bettered, what was their surprise and disappointment to find, in two years after, when this law was laid upon the table of the House, that it was rendered entirely nugatory by a condition annexed to it; for it was provided that the murder, to be capital, must have been unprovoked. So that provocation, real or pretended, would, under this law, have been sufficient to protect the guilty person from the punishment of death. The descriptions he had received with regard to the neglect of the decencies of life, as it respected the marriage state, the promiscuous and incestuous intercourse that prevailed among the slaves, and, indeed, their opposition to matrimony, showed but too plainly the corrupt and vicious system they were accustomed to.—There was another sad circumstance which retarded their amelioration, and this was, the practice of making the slaves amenable for the insolvency of their masters. Bryan Edwards, in his "History of the West Indies," had long since pointed out the evils which arose from permitting the creditors of a slave-owner to sell his slaves after his death, for the payment of debts not satisfied in his life-time; a system, as Mr. Edwards said, remorseless in principle, and tyrannical in effect. There were cases in which a negro had purchased his freedom, and the freedom of his children, and trained them up with the most exemplary care, yet his offspring had afterwards been seized on by the creditors of his deceased master, because he had died an insolvent, and thus transported to even the mines of Mexico. These were transactions which showed that remedial steps were still required to mitigate, if not to remove such extraordinary sufferings. The illustrious Burke contemplated those remedies chiefly, if not wholly, in the encouragement of the institution of matrimony, as it respected the unfortunate slaves, and also in the facility and security of manumission. But where sums of 300*l.* and 500*l.* or even 100*l.* were required for the purposes of that manumission, how could it possibly, in many instances, be accomplished by the ill-fated though deserving slave? The general state of negro degradation must be cured by the wisdom and kindness of provident laws, before it would be practicable to elevate the slaves into the scale of civilized society; they must endeavour to promote their moral and religious instruction: above all they must promote the practice of marriage, if they desired to fit them for higher distinctions in life. Among those who were anxious to ameliorate the condition of the negroes, they had the satisfaction of numbering such characters as Fox, Pitt, and Grey, who were all agreed as to the necessity of raising the character by improving the condition of the negro. The House would believe that he felt deeply interested in the subject. That feeling had induced him to those exertions which threw great information in his way; and he should hold himself to be guilty of no common neglect, if he refrained from speaking out. The negroes must be raised in the scale of beings, and there appeared to be no other way to effect this desirable end except by marriage being encouraged among them. The Methodists and Moravians had done something in this respect in Africa; and, believing the people of that country to be as intellectually respectable, and morally amiable as any other race of men, he hoped that no means for their improvement would be omitted by a country which had proceeded so far in redressing their wrongs.

Mr. *W. Smith* could not avoid remarking the progressive change of opinion upon this subject; for he remembered when all the gentlemen connected with the island of Jamaica took up the cause for the smaller islands with all the animation and bitterness of controversy; but now they expressed themselves perfectly willing, should any abuses have occurred

in the smaller islands, to allow of their being corrected. The slaves also had on that night, for the first time, been recognized as subjects of his majesty. He rejoiced at this, for the inferences to be deduced from it were such as, twenty years ago, would have prevented any gentlemen who had opposed themselves to the abolition from acceding to the propriety of such a denomination. If such, then, was the case, how could 9,300 subjects of his majesty in the island of Nevis continue under the control of 501 whites, of whom the avowed principal was Mr. Huggins, whom, notwithstanding all that had been proved against him in May last, the governor still condescended to visit? How, in the island of St. Kitt's, could 20,000 of his majesty's subjects continue under the control of 1,610 whites, or, in Dominica, 22,000 under 1,300? Where the ruling society was so small, an *esprit de corps* was created, which would support every individual by the united power of the whole. He feared in such a case, at no distant period, the arm of the legislature would be required strongly to interfere, to secure justice to the oppressed.

Sir *Samuel Romilly*, in reply, denied he had desired the House to judge from the practices of those two small islands, of the conduct in all the others. As to the facts he had stated, he might have been misinformed, but he had endeavoured to get the best information. The two men who had received the 200 lashes were not the thieves, but those who received the property.—He observed, that from the trial, the story of the masquerade must be incorrect. One of the witnesses, a driver, said, that six days after there were marks of severity on the negroes, such as he had never before observed. The girls who were punished, it was distinctly stated on the trial, that they did not scream; they covered their faces, and shed tears. An hon. gentleman had been offended at the word "cart-whip," but this was the phrase which was used on the trial, and as it thence appeared the common word in the island.

The motion was agreed to.

HOUSE OF LORDS.

Friday, April 24.

OFFICERS WIDOWS PENSIONS.] The Marquis of *Lansdowne* rose to move, that there be laid before the House a copy of the Regulation of the War-office, of the 17th of February last, for taking the usual pension from such widows of officers of the army as have an income equal to double the amount of the allowance to which they would be entitled by their husbands' rank. He made this motion for the purpose of bringing under consideration a regulation, which appeared to him exceedingly objectionable. It would not be necessary for him to use many words, nor to make strong appeals to the feelings of their lordships, in order to convince them of the impropriety, and, he might say, the injustice of this regulation. The reduction contemplated by the regulation applied to a description of persons, and a scale of pensions, which ought in fairness, as well as in liberality, to remain untouched. The fund from which these pensions was derived was founded and supported by the army itself. It commenced in the reign of queen Anne; and in the year 1782 the fund had so far accumulated, that 200,000*l.* was taken away from it, and applied to other purposes. In justice, therefore, this sum ought to be repaid before any deduction was made from the pensions. The widows of officers were at least entitled to their pensions on the usual scale to the full extent of that sum, so far as it might go. The sum allowed to widows was, for those of superior officers 120*l.*, for widows of captains about 50*l.*, and for ensigns' widows about 30*l.* Now, he would ask their lordships, whether the circumstance of a colonel dying, and leaving property to the amount of 200*l.* a year, should be considered a reason for depriving his widow of her pension? If a captain left only 100*l.* a year, the case was still harder, as, according to this regulation, his widow would be deprived of the small pension to which she would otherwise have been entitled. It was worthy of remark, too, that very little could be saved by this measure of severity; for it appeared that it would not require more than 90,000*l.* to pay the pensions of the persons who came within the scope of the regulation. It appeared to him, that, whether their lordships looked to the origin of the fund, to the justice of the claims upon it, to the great inconvenience of instituting a strict inquisition into the property of the claimants, or to the temptation to fraud which that inquisition would create, it would be impossible for them to consider this regulation as one which was fit to be persevered in. He was, however, happy to hear that

it had been resolved to make the regulations undergo some modification, which would be, in a certain degree, satisfactory, though they would not altogether remove his objections. The noble marquis concluded by moving for a copy of the regulation, and also for an account of the number of officers' widows whose pensions would be reduced by enforcing it.

The Earl of *Liverpool* did not mean to object to the production of the papers, but wished to explain what had been the view of his majesty's government. It was perfectly clear, that these pensions, from whatever source they originated, were never considered as a matter of right. It had been the practice, both with regard to the army and the navy, to make provision by pensions for the widows of officers; but these pensions were always granted on a memorial being presented, stating the individual to be in necessitous circumstances. In the navy, the nature and amount of these pensions were strictly defined, and a person applying had to make an affidavit, stating that she had not been left property to the annual amount of double the pension for which she applied. With regard to the army, a different rule had prevailed. No sum was defined, and the memorialist merely stated that she had no pension from the government, and no property left by her late husband capable of affording her a reasonable maintenance. The statement being thus quite indefinite, the practice with regard to pensions became liable to considerable abuse. It was true, that a fund had been established for widows' pensions, at a very early period. It was first created out of the appointments of two troops of horse which were reduced. After the institution of that fund, the words respecting the necessitous circumstances of the parties had, by neglect, been omitted in the warrants granting pensions; but they were restored in 1770, and after that date all warrants stated the grant to be made in consequence of the death of the husband, and the distressed circumstances of the widow. It was evident, therefore, from the very form of the warrant, that the circumstances of the widow were always understood to be taken into consideration in granting the pension. No definite sum, however, being mentioned, a practice had prevailed of granting the pension without a strict reference to the circumstances of the claimant, and it was the object of the regulation to correct this abuse. The arguments urged by the noble marquis on this question must apply to the navy with as much justice as to the army, if he found the right to the pension money withdrawn from the pay of the officer. A rate was paid on the pay, half-pay, and pensions of naval officers towards the widows' fund, and yet the pensions for the widows of these officers were regulated by a scale similar to that laid down in the regulation of the war-office. It was certainly desirable that the two services should be placed on the same footing, and this was the sole object of the regulation complained of. It had been thought right to remove all doubts with respect to the army, by adopting a regulation similar to that which governed the pensions for the widows of naval officers. It had, however, been represented to him, that many individuals, conceiving that their widows were of right entitled to the pension of their rank, had ensured their lives to enable them to make a farther provision for their families, and had, perhaps, undergone considerable privations in order to accomplish that object. He was therefore of opinion, that the regulation ought to be modified so far as to prevent it from having any retrospective effect with regard to cases of this description. But as a prospective measure, he considered it highly proper, because it placed the two services on an equality. The words which were formerly admitted as sufficient in the memorials for pensions to widows of military officers, were far too loose and indefinite, and it was proper to introduce the precise form of the naval affidavits. At the same time it had been thought advisable to make another alteration, leaving to the widows both of naval and military officers the power of receiving the pension if they have not an income equal to four times its amount. He trusted this modification of the regulation would be found to be dictated by that liberality which was due towards the individuals who were its objects, while it would at the same time perfectly assimilate the two services with regard to widows pensions.

The Earl of *Rosslyn* was happy to hear the statement which the noble earl had made. The modification he had mentioned would remove many of the objections to which the regulation was liable. But, notwithstanding all that had been said by the noble earl, he still considered the pensions to officers widows a matter of right. He considered that the purchase

of commissions placed the right of officers of the army on a stronger footing than those of the navy. The sale of commissions was a saving to the government; for they were first permitted to be sold as a means of providing for old and disabled officers. If, however, an officer died without selling his commission, or was killed in battle, the whole money he had laid out in the purchase of rank was lost to his family. Nothing, then, remained for his widow but the pension, which she ought therefore to be considered as of right entitled to, whatever might be her circumstances.

Lord *Exmouth* was satisfied with the liberality of the noble earl, but as a naval officer, he could not avoid stating, that the widows of naval officers had strong claims to the attention of the government. With respect to the widows of officers in the army, he thought it a pity to withdraw that support to which they had been accustomed for a century past.

The Marquis of *Lansdowne* said, he certainly felt gratified at the noble earl's assurance that the two services were about to be assimilated; and declared, that his satisfaction would be still greater, if the allowance of the navy was brought up to something like that allotted to the army.

The motion was then agreed to.

HOUSE OF COMMONS.

Friday, April 24.

Breach of Privilege.] Mr. Wynn brought up the Report of the Committee of Privileges respecting the complaint of the letter written to a voter of the county of Lanark, to influence his vote in the election of a member to serve in parliament, by Thomas Ferguson, in breach of the privileges of this House, as follows: 1. "That Thomas Ferguson hath admitted himself to be the author and writer of the said letter, and that it was addressed to William Dykes, a freeholder of the county of Lanark, with the intention of influencing his vote for the said county, but that he hath also expressly stated that his assertions therein contained, 'that he had communicated Mr. Dykes's 'application for a situation under go-'vernment in behalf of a friend to the 'lord Douglas, and that his lordship had 'authorized the offer contained in the 'said letter,' were perfectly false and groundless, and that he had never had any communication with the lord Douglas on the subject. 2. That the said letter is a corrupt attempt to subvert the freedom and independence of election, and a high breach of the privileges of the House."

The Resolution was agreed to by the House, and Thomas Ferguson was ordered to be taken into the custody of the Serjeant at Arms.

Dr. Burney's Library.] On the order of the day being read for going into a Committee of Supply, Mr. Bankes moved, "That the Report respecting the purchase of the late Reverend Dr. Charles Burney's Library of Manuscript and Printed Books be referred to the Committee." Mr. Bennet wished to know whether the proposed grant had the consent of the Crown? The Chancellor of the Exchequer said, it had. Mr. Bennet said, he wished to ascertain this point, as that consent had been refused to a claim of justice, which was now given to a grant of munificence.—Mr. Curwen said, that if the hon. member pressed the motion for referring the report to the committee, he should feel it his duty to divide the House upon it. He had, for the same reason, opposed former plans. Whatever might be the actual value of this collection, it could only be expected to be useful to a few. They had lately refused grants to the royal family; and in the present circumstances of the country, they ought to pause before they agreed to vote away such sums.—The House divided: For the motion 79; Against it 35.

List of the Minority.

Brand, hon. T.	North, Dudley
Bennet, hon. H. G.	Newport, right hon. sir John
Brougham, Henry	Osborne, lord F. G.
Colthurst, sir N.	Ossulston, lord
Calcraft, John	Odell, Wm.
Duncannon, vis.	Protheroe, Ed.
Fergusson, sir R. C.	Parnell, sir H.
Fitzroy, lord John	Parnell, W. H.
Folkestone, vis.	Pelham, hon. C. A.
Guise, sir Wm.	Symonds, T. P.
Gascoyne, gen.	Sefton, earl of
Graham, sir James	Wilkins, Walter
Heron, sir Robt.	Walpole, hon. gen.
Hornby, Edward	Wood, alderman
Keene, sir John	White, M.
Lambton, J. G.	TELLERS
Lloyd, sir Edward	Curwen, J. C.
Latouche, John	Sebright, sir John
Latouche, Robert	
Methuen, Paul	

HOUSE OF COMMONS.

Monday, April 27.

IONIAN ISLANDS—PETITION OF COUNT CLADAN OF CEPHALONIA, COMPLAINING OF OBSTRUCTION OF JUSTICE.] Mr. *Bennet* rose to present a Petition, to which he begged to call the attention of the House, and particularly that of an hon. member opposite (Mr. Goulburn). He was the more particular in requesting the attention of the House to this petition, as it was from a person whom the chance of war had placed under the protection of the British government. The petitioner, count Cladan, was a most respectable individual, and a man of a very ancient family, and of high rank in his own country. He complained of gross misconduct on the part of general Campbell, who had been governor of the Ionian Islands. Count Cladan had been three years a suitor to the government of this country, for the redress of alleged grievances, yet he had hitherto failed in his efforts. He complained of this great delay of justice to him. He had, when he first presented a memorial of his wrongs, been referred for redress to one place, and from that back to another. He had been referred to a place where of all others he was least likely to meet with redress—to the tribunals of his own country. But it should be recollected, that in any complaint which he might make there against any British officers for excess in, or non-performance of their duty, the courts of the Ionian islands had no jurisdiction, and could not, under such circumstances, make the officer against whom such charge might be preferred amenable to their authority. It was only in this country that such charges could be properly decided upon, and having failed hitherto of procuring attention to his case, the petitioner was forced to apply to the legislature for redress. The first charge which he alleged against general Campbell, and which he stated he could be able to prove by 150 witnesses, was, that he had, without any authority, assumed the dispensing power of repealing or annulling the decrees of the tribunals —that he had assumed the right of ordering a person to be executed, whom the tribunals had absolved from any crime—and not only that, but had instituted a mode of punishment, before unknown in that country and abhorred in every country; he meant the infamous punishment of the pillory; that he had not only used the lash in the punishment of soldiers, but also on some of the inhabitants.—He did not mean to assert that all the allegations contained in this petition were true, but he knew that the person who made them, was a most respectable individual, the descendant of a very ancient family, and from his general character and the nature of the complaint he thought it was entitled to immediate consideration. The petitioner had, as he before observed, been three years in endeavouring to obtain justice and had failed. On one occasion, accounts respecting these transactions had been sent for, and a very voluminous collection of papers been transmitted by sir Thomas Maitland. He respected sir T. Maitland very much on his own account, and that of his connexions; indeed, more on the latter account than the former, but he could not quite approve of his manner of treating the petitioner in his communication. He speaks of him as a person styling himself count Cladan, when he ought to have known well that he was in fact count Cladan. He was a member of the senate, a councillor of state, and had been sent as ambassador to the court of Russia, as the representative of the Ionian islands. He at present came before the House as a person seeking redress for injuries sustained. That redress, he trusted, would not be refused, or delayed.

The Petition was then read; setting forth, "That three years have nearly expired since the arrival of the petitioner in London, to claim justice from his majesty's government against the proceedings of lieut. general Campbell, late commanding officer of his majesty's forces, and commissioner of the liberated Ionian islands, against lieut. colonel Schummelketel, late commandant of the island of Cephalonia; the petitioner's remonstrance is proved parly by documents, by the signatures of the above-mentioned officers, and can be testified by more than 150 witnesses, many English gentlemen, some of his majesty's officers, natives of distinction, and by the ten tribunals, exhibiting measures at once partial and oppressive to the petitioner and other persons; 1st, that by a decree 21st April 1813, general Campbell refused the execution of a law by which the tribunal ruled, assuming thereby a despotic authority and a dispensing power superior to the laws, and in opposition to the faith pledged by the British nation that the island should be

governed by its own laws; 2dly, that the said general Campbell caused to be hanged, 13th April, 1813, Andrea Mingarde, of Cephalonia, although only sentenced to imprisonment by the legitimate tribunal of appeal who tried him, preventing the judgment of the definitive tribunal, to which the sentence had been referred; which the petitioner considers to be a proceeding forming a precedent deeply injurious to him as a member of the said tribunal; 3d, that the petitioner, being president of the said tribunal, obtained from the secretary a copy of the sentence, and other documents, in order to make a representation against such excessive violence; and for the compliance of the secretary, general Campbell deprived him of his employments under the local government, although some of them had been purchased, according to custom, sending him a prisoner to the castle of Cephalonia, and mulcting him of a sum of money; 4th, that general Campbell by his decree, without form of law, deprived count de la Decima, of Cephalonia, of his feudatory property, which the petitioner considers to be a proceeding forming a precedent deeply injurious to his interests as a feudator; 5th, that general Campbell, by decree, obliged Constantine Corafan to pay his sister-in-law four times the amount of her demand on him, though this demand had been rejected by the tribunals, and directed the local government to take possession of his houses and property of ten times the value of her demand, and put him under arrest, an act so despotic as not to be equalled; by decree 14th February 1814, contrary to law, he annulled the *Fidei Commissum*, to which this property was subject, and ordered it for sale, but no purchaser appearing, he directed her to be paid by the government of Cephalonia, and to reimburse itself by the produce of the property; 6th, that, contrary to public faith and law, general Campbell did by decree deprive Spyridian Baratta of the collection of certain duties legally acquired at a public sale made by the government of Zante; 7th, that general Campbell introduced many thousand pieces of foreign coin, obliging the inhabitants to receive them at a certain rate, enormously exceeding what they passed for in the islands, impressing them with the figures of their current amount, and serious consequences have resulted from this arbitrary act; 8th, that contrary to law and the sentence of the tribunal of Zante, general Campbell, by decree, caused to be sold by auction, the brig Pauline, as may be seen by the redress sought from the colonial department nearly three years ago by Vincenzo Acquilina, the merchant, who was ruined by that decree; 9th, that general Campbell caused to be erected at Zante a pillory, horrible to the inhabitants, previously unknown in the islands, on which he exposed an inhabitant contrary to law, then ordering him to be mounted on an ass, conducted round the city, and to be flogged at certain distances; 10th, that a legal commission having been appointed to give judgment on the proofs of the forgery of the name of the petitioner's father in his last will, also on two false oaths, and the falsification and violation of the seals of government, with other crimes, the verification of which being highly important to the petitioner, and to take cognizance respecting the petitioner's feudatory property, and other important questions connected with the judgment to be given in the aforesaid criminal point, general Campbell, by decree 21st December 1814, ordered the commission to submit to him a plan of their sentence, without law, or permitting the said crimes to be tried, deciding judgment without a hearing, although remonstranced by the petitioner that the proceedings were prejudicial to him; 11th, also by a second decree 18th February 1814, general Campbell notified, that no appeal should be admitted on the subject; 12th, that the petitioner, thus injured in the grossest manner by these proceedings, did present to general Campbell a memorial on the subject, addressed to his royal highness the Prince Regent, requesting he would transmit the same to London, and to be allowed copies of the necessary documents to verify this memorial, which were deposited in the office of the secretary of government at Zante, but these requests were refused, and the memorial returned; 13th, that on the petitioner's return to Cephalonia, colonel Schummelketel prevented his departure for four months to London, likewise refusing the authentication of the documents obtained by the petitioner of his cause in Cephalonia, although customary, and which he readily granted to others; the degrading treatment the petitioner received was like to a person outlawed for his crimes, and the doors of justice shut against him; 14th, that general Campbell, by an abuse of his power,

did take possession of the country house and premises of the noble Spiridion Chessari of Corfu, and prevented his access to them by ten military guards, and also hindered him from collecting the products of the adjoining lands; the injured proprietors supplicated general Campbell, praying that his property should be restored, or an equitable rent allowed him; but in disregard to his petition, general Campbell, in abuse of his power, did continue to occupy the said houses and land, and at length leaving the said island, without restoring the premises, or in any way remunerating the unfortunate proprietor; and the petitioner prays the House that they will be pleased to direct such inquiries into his complaints, as may to their wisdom seem meet, and that the laws of the empire may be put in force, so that he may obtain justice."

On the motion, that the Petition do lie on the table,

Mr. *Goulburn* observed, that, whatever might be the merits of the case referred to in the petition, he submitted that that House was not the proper place for inquiring into or deciding upon it. The petitioner attributed several criminal acts to general Campbell, and, among others, the murder of an individual. If these charges were founded, he appealed to the House, whether that was the proper tribunal to try the accused? He had not himself the honour of knowing general Campbell, and therefore he could not be influenced by any considerations of private friendship. But he could not allow himself to decide against the character of that officer upon the various charges preferred against him by the petitioner; for what the House had heard from the hon. mover and from the petition did not form a fiftieth part of the charges inserted in the petitioner's memorial to his majesty's government. Count Cladan, no doubt, alleged that he could prove the truth of these charges; but, if he even could, that was not the proper place to try the case. There were tribunals to take cognizance of such charges as count Cladan preferred, and to those tribunals it was open to him to make his appeal. The count had stated, that he had a number of witnesses to substantiate his charges; he had indeed given in a list of above a hundred. But all these witnesses were resident in the Ionian islands, and there, therefore, count Cladan was told that he ought to try his case. As to the animadversions upon sir Thomas Maitland, the character of that officer stood too high to require any defence from him, especially against the bare allegation of the petitioner. But he thought it proper to state, that general Maitland always expressed a readiness to go into the petitioner's case, and to have it fully investigated before the proper tribunals in the Ionian isles, where the petitioner would have all the means of legal redress. As to the conduct of government, he could not see what any government could do in such a case; for it was not within its province to institute inquiry, or to inflict punishment, upon an affair of this nature. It was but very lately that count Cladan objected to the trial of his case in the Ionian isles. He had expressed his apprehension of some interdict to prevent his proceeding; but he was told, that if there were any such interdict, it should be immediately removed, and that he should be at full liberty to proceed.

Sir *C. Monck* expressed his surprise, that while the hon. gentleman observed that general Campbell was in England, he should still refer the petitioner to the tribunals of the Ionian isles for the trial of his charges against that officer.

Mr. *Goulburn* explained, that he only referred the petitioner to the tribunals of the Ionian isles for the trial of that part of his case which referred to questions of property, but as to his charges respecting general Campbell, it was open to him to institute proceedings against that officer before the proper tribunal in this country.

Sir *C. Monck* thought the appeal of count Cladan to that House extremely proper. He had applied in vain to government for redress—he felt it absurd to look for justice, in such a case, to the tribunals of the Ionian islands, and being, without the means of supporting a lawsuit against general Campbell, where else was he to look for any remedy but to that House? The House had heard the most extraordinary language from the hon. gentleman, according to which, it would seem, that the British government was not responsible for the conduct of its officers.

Sir *J. Newport* thought, that there being no remedy in the courts of the Ionian Islands for the grievances complained of, was the very best reason why a remedy should be sought for here in the manner which had been mentioned.

Mr. *Bennet* said, it was no doubt true

that the courts of law were open, but, as it was formerly well observed, "so was the London tavern to those who could afford to pay." But the petitioner was not in a condition to go to law with a general who had made a fortune out of those very islands, the population of which he had most harshly treated. Count Cladan became poor through the very means by which general Campbell became rich. But was it meant to be stated that when an officer of the government behaved ill, the only remedy against him was in an appeal to a court of law? Such, indeed, appeared to be the doctrine of the hon. gentleman opposite; but this was, he believed, the first time, that, when an officer of the government was charged with murder, with pilloring and flogging, according to his own will, with breaking into private houses, with appropriating to his own use the property of the people whom he was appointed to govern and protect, and with a variety of false and fraudulent acts, an under secretary of state rose in that House to say that government would institute no inquiry into the conduct of such an officer, but refer the party aggrieved to a court of law.

Mr. *Goulburn* did not mean to say, that persons who acted improperly abroad were not responsible for their conduct. But, he wished to ask, whether government were to punish general Campbell, after he had, for several years, given up the situation he held in the Ionian islands, on the mere statement of the petitioner?

Mr. *F. Douglas* expressed his anxious hope that government would not exercise a greater degree of power in the Ionian islands, than was sanctioned by the treaty of Paris. The great object was, to establish an English influence in the Levant, and that end would best be attained by protecting, not by oppressing the people.

The Petition was ordered to lie on the table, and to be printed.

BREACH OF PRIVILEGE—COMMITMENT OF THOMAS FERGUSON.] The report and resolution of the Committee of Privileges respecting the complaint of a letter written to a voter of the county of Lanark, to influence his vote in the election of a member to serve in parliament, by Thomas Ferguson, in breach of the privileges of this House being read, Mr. Wynn moved, "That Thomas Ferguson, in writing and sending the said letter, has been guilty of a corrupt attempt to subvert the freedom and independence of Election, and a high breach of the privileges of this House." The resolution being put and agreed to,

Mr. *Wynn* then observed, that he should next move the commitment of Mr. Ferguson to Newgate. Undoubtedly, that was not the only punishment which precedent justified in cases similar to the present. Our ancestors had, in their jealous care of the rights and privileges of the House, placed other guards around them besides that of punishing their breach by imprisonment. It appeared that the person in custody was an officer of the revenue, and several acts had prescribed that any person engaged in the revenue, who should be found to have interfered in the election of a member of parliament should be fined 100*l.* deprived of his situation, and rendered incapable of ever serving his majesty again in any capacity. The committee had not, in their report, said any thing upon the subject. He should, however, as a member of that committee, take an opportunity, on a future occasion, when the committee had finished their labours, of making a motion upon the subject. If the person in custody was to receive but one punishment, it ought in his opinion to be dismissal from the situation which he held. The hon. member concluded by moving "That Thomas Ferguson, for his said offence be committed to his majesty's gaol of Newgate, and that the Speaker do issue his warrant accordingly." At the same time he gave notice, that on a fit occasion he should move, that an humble address be presented to his royal highness the Prince Regent, praying he might be graciously pleased to order, that the said Thomas Ferguson be dismissed from any employment which he held under the crown.—The motion was then put and agreed to.

EDUCATION OF THE POOR BILL.] Mr. *Brougham*, in moving for the committal of this bill, expressed his regret that it had not before excited discussion, because had that been the case, many misrepresentations that had gone abroad would have been corrected. There was something so exceedingly delicate in a matter relating to public charities, that he would say a word or two, to prove how void of foundation the reports on this par-

ticular point were. The present was stated to be a bill which would interfere with the management of charitable funds. A more gross misrepresentation never was set afloat It was a bill, not to interfere with the management, but with the mismanagement of charities—and that by inquiry and report. It was next stated, that the bill went to trench on private property. This was as gross a misrepresentation as the former. The fact was, that persons receiving money for charitable purposes, were, as much as any officer of the government, entrusted with public property, and had a right to account for it. The powers of the bill were not greater than those granted to the commissioners of accounts in 1781, to the commissioners of naval inquiry in 1803, and of military inquiry in 1804.

Mr. *Canning* did not mean to offer any opposition to the House going into the committee, but rose merely lest his silence on the present occasion should be construed into an approval of the bill, to many parts of which he had strong objections. He said thus much to guard against any advantage which might be taken at another time. To the committee he would not object then: but he should at another time state his opinion as to the constitution and duration of the commissioners.

Lord *Folkestone* was glad the attention of the House was called to the bill in its present stage, as he wished to make some observations before it went into the committee. He must object to the exceptions in the bill in favour of Oxford, Cambridge, Westminster, and Winchester. In consequence of these exceptions, he understood that farther exceptions would be proposed. It seemed strange, that any persons should wish for exemption from inquiry in such matters. One would rather suppose they would think it a kind of insult to them if they were so exempted. He should have expected that the members for the universities would have stood up and desired inquiry, as leaving them out might seem to throw an imputation on their conduct. He happened to know a gentleman, in a county not far off, who had been able to discover, by his inquiries, extraordinary abuses of charitable funds in that county. It appeared that only one-fourth of the amount of the funds had been returned, and that the returns thirty years ago, were 2,000*l.* or 3,000*l.* a year more than lately. He hoped gentlemen were sincere in their object; and he thought that if a commission were appointed, it would be proper to put the gentleman he had alluded to into it.

Mr. *Bathurst* observed, that if the object of the bill was in reality what it appeared to be to the noble lord, it was deserving of the most minute attention. The bill had been stated to relate to the education of the poor, and to the charitable institutions that were connected with that object. But it would appear that the bill was to embrace all charities whatever, and in that point of view the universities would be included, if not particularly exempted. In the case of the Charter-house no objections had been made. From lapse of time no doubt, and from other causes, the funds of charitable institutions might be occasionally misapplied, but he saw no reason why the funds of the universities should be placed in the power of the commissioners. The original object of the bill had referred to funds only connected with the poor, and yet, though in many cases no abuses had been shown, the funds of other institutions were to be submitted to the control of the commissioners. No discussion had hitherto taken place upon the principle of the bill, the object and nature of which ought to be ascertained.

Mr. *Brougham* suggested, that neither the right hon. gentleman nor the noble lord were, by permitting the bill to go through this stage, pledged to give their assent or support to it in any other stage of its progress; and the question might, with equal advantage and facility, be argued upon the principle of the bill, whenever the motion should be again put that the Speaker leave the chair, for the purpose of recommitting the bill. At first sight it might be imagined that the bill had not confined itself strictly to the purposes to which it was intended it should apply, namely, charitable foundations for the education of the poor; but it appeared, upon examination, that even these greater bodies, not excepting the universities, had part of their funds or endowments derived from donations granted with a view to educate those whose means were too contracted to admit of the expenses entailed on students at those seminaries or colleges. He could most heartily have wished that those five excepted learned foundations had challenged inquiry into the administration of their

affairs. He thought that those great bodies would more truly consult their own real dignity, by challenging inquiry, and wishing the provisions of the bill to extend to their institutions. That venerable man, earl St. Vincent, had afforded an example on such subjects, which whenever they were considered, it was impossible too often to press upon the attention of the House, and to hold up to imitation. He meant his noble example in putting at the very head and front of the inquiry into the abuses in public offices, the offices of the lords commissioners of the Admiralty, he being at that time himself the first lord. The noble earl said, "let the commissioners come into his office, and examine all papers, and all persons in the office, in all departments, from the top to the bottom." That was the practice of that venerable earl, and the inquiries into the other offices were not the less successful by the example which the noble earl had set. He readily allowed two post captains, two lawyers, and two laymen, to go into the Admiralty and search for information, and thus effected one of the most important reforms in the management of public offices that had taken place since the time of the revolution. He began, in fact, the system of closely inquiring into the uses made of the public money in the offices, which had never been well set about until he procured the appointment of his committee. That investigation he had taken for his model. The appointment of commissioners did not proceed from jealousy of his majesty's ministers, but in consequence of the precedents established in all former cases. He should have no objection that ministers should propose the commissioners, provided the patronage thus put into their hands should not be abused, and that inefficient men should not be appointed. For his own part, he would not consent to the appointment of a single cypher. The reason for the measure was the necessity of the case. Three-fourths of the charitable funds in Berkshire were unaccounted for, and out of the annual sum of 20,000*l.* only 5,000*l.* had been applied to the purposes for which it had been originally destined. A return of only 7,000*l.* had been made to parliament, and but for the gentleman formerly alluded to (Mr. Parry), there would not have been the means of investigating the application of a single pound. The commissioners must repair to the spot, and have full power to call all persons before them. Inquiry was often useful to the parties themselves. Thus in the case of the Charter-house school, it appeared upon inquiry, that scarce any abuses existed in the application of their funds, as had been previously suspected.

Sir *J. Newport* observed, that similar objections had been made to the commission for inquiry into the fees of courts of justice in Ireland. Ministers, however, had not the appointment of the commissioners, and could not throw cold water upon the investigation. Though the law officers had stood embattled against the motion he had then made, he had succeeded by a majority of one, and many abuses though previously denied, had been found to exist. A great saving had in consequence accrued both to the suitors and to the public.

Mr. *Peel* admitted that the inquiry alluded to by the right hon. baronet had been productive of the best effects; but the course of proceeding on that occasion had been by an address to the throne; and in consequence of the address, the commissioners were appointed. The hon. and learned gentleman had said, there were surmises against the Charter-house, and that by the inquiry every suspicion had been removed. But what analogy was there between that institution and the universities? Did any one say that there was any suspicion against those learned bodies? For his own part, he wished the exemption had been made more extensive, and had included Harrow, Rugby, and other well conducted charters, against which there was not the smallest suspicion.

Mr. *Brougham*, in reply, adverted to the inquiry that had taken place two years ago, relative to the Charter-house and Christ's hospital. Respecting the former, the charge was, that the funds for the education of the poor had been employed in educating the rich. The Charter-house stood on the same footing as Christ's hospital, where it was proved, among other abuses, that a clergyman of 700*l.* or 800*l.* a year had a son. They were called on at the Charter-house to produce their deed. They refused, and said, "we have nothing to do with the education of the lower orders." The committee answered, "Show us your charter, and we will tell you whether you have or not." They did, with some difficulty; when the first three lines proved it was for the education

of the lower orders. It was the committee that had reason to complain, rather than the Charter-house. The persons who were examined said, "Do you know who are the governors of this institution? They are the archbishop of Canterbury, and such and such noblemen; in fact there, is only one single member, who is not in the House of Peers." The committee answered, "The reason you have given is exactly the reason why we call on you; because the governors you speak of would not answer our summons." The result was, that by this inquiry far less abuses were discovered than were expected.

The Bill was then committed *pro formâ*.

Charitable Foundations — Petition from Abingdon.] Sir *C. Saxton* stated, that he had a petition to present from the magistrates and trustees of certain public charities of Abingdon, in Berkshire, complaining that they had been calumniated in the statements that had been made to the House on the subject of the charities belonging to that town, and that these charities were as well managed as any others of the same description.

Mr. *Brougham* observed, that an imperfect statement had been made of what he had said upon the subject. He had stated that there were 25 benefactions in the town of Abingdon, of a large annual amount, and that no return had been made respecting them to the House. On the subject of the misapplication of the funds he had said nothing.

Mr. *Wrottesley* said, that one thing was clear, that something must be done relative to these charitable institutions, of the nature and amount of which the public had not been put in possession. Only twenty-one counties had made a return to the crown-office in Chancery, on the subject of charitable donations. He thought, that a penalty should have been inflicted in the event of no return being made.

On the motion, that the Petition do lie on the table,

Mr. *Brougham* said, the House would see the impossibility of this petition lying on the table, for it stated that calumnious misrepresentations had been made in that House, because a false statement had been made in some newspaper. What they had founded their assertions upon was, a total misrepresentation of what had passed, and which the petitioners had no right to notice,

Mr. *Wynn* said, that whether the statement were correct or not, the petitioners had no right to call in question any representation that had been made in that House. He thought the hon. baronet had better withdraw the petition.

The Petition was then withdrawn.

Cotton Factories Bill.] The order of the day being read for going into a committee on this Bill,

Sir *R. Peel* said, he was desirous, in consequence of what had occurred in former discussions upon the subject, to take the present opportunity of explaining the nature of this bill. Those who were interested in the measure, and desirous of opposing it, had, through some inadvertence, missed the opportunities of debating its principle in former stages of the bill. This he regretted, as it could then have been done with the least inconvenience. He, however, had acted towards those gentlemen with the utmost fairness, and the House had also departed from a point of form to enable these gentlemen to resume the discussion, and he would now, in a few words, explain to the House the part he had taken in the business. About 16 years back he had been induced (as he trusted) by motives of humanity to bring in a bill, called the Apprentices bill, the object of which was to provide some remedy for abuses of a very serious nature which then prevailed in the cotton business. It met, at that time, with the approbation both of the House and of the government, and was attended with beneficial consequences; but they were not of long duration. It was soon after however rendered almost a dead letter, from the great change which took place in the manner of conducting the business to which it referred. The cotton trade found its way from the country into large towns, where, the population being numerous, manufacturers were no longer under the same necessity of receiving children as apprentices. Although ten times the number of children were employed, compared with the period when the apprentices bill had passed, none of them were bound by articles, or any thing in the nature of a permanent contract. The result was, that the children now employed in the factories were totally unprotected, because the apprentices bill could not reach them. The children were not entitled to, nor could they rely on the protection hitherto afforded by masters to those in their em-

ployment. If they met with an accident, or were ill, the masters were not bound to look to, or provide for them. He, therefore, took the liberty of introducing the present measure with reference to such children, employed in the cotton trade, as were not protected by any contract. The difference between this and the apprentices bill was very material. The latter was for the protection of apprentices by the then existing law entitled to protection from their masters, this for the protection of those poor children who had no legal, and often no natural protector, but who, he trusted, would find protection in that House. Their case was truly distressing; the hours of labour in those factories in which there were no apprentices being not less than 14 out of the 24. To endure such fatigue and confinement was quite above their strength, and could not but tend, in a short time, to injure their constitution, and render them afterwards unfit for any thing that required health and strength of body. The inconvenience of such long confinement and attention to business in persons so young was felt and expressed by the workmen themselves. Numerous petitions had been presented to parliament praying that that time might be shortened, and more especially one from Manchester, proceeding from persons wholly uninterested, except from motives of humanity; among which persons were 30 medical men, and 21 clergymen. Humanity was the only motive by which these individuals could be influenced, for they had no connexion of any kind with the cotton factories. There were petitions praying for the same object, from the spinners themselves; and even from some of the master manufacturers—the sole motive of most of whom, must be, a benevolent wish to alleviate their situation. Indeed he believed that the number of master manufacturers who supported the bill was greater than that of those who opposed it, and that many of them were even anxious that its provisions should be extended to adults. It was fit that the House should be made acquainted with the circumstances of the trade, and with the situation of the people employed in it. The only mode by which such information could be obtained was by the examination of witnesses upon the spot. There had been an allusion made by some hon. gentlemen to general principles, and it was said to be impolitic to interfere with free labour by legislative acts. Could this fairly be denominated free labour? or, if it were even considered to be such (which he, for one, could never concede) would not the House feel it a duty to yield to the pressing remonstrance of the medical, clerical, and all other respectable classes of society, who had no interested object, and who had stated the dreadful effects to these little children, and even to adults resulting from this incessant application to laborious occupation in strongly heated apartments, and which had been found, in the case of the younger children, to prevent their arriving at their full growth, or even assuming the appearance of maturity when of full age? It was obvious to every person who had taken the trouble of reflecting upon the subject, that human nature, at so early an age, was not capable of bearing such excessive fatigue as must arise from 13 or 14 hours uninterrupted labour. It could have no other effect than to destroy the constitution of children, and to prevent them from becoming healthy and useful subjects. For these reasons he would entreat the House to take the subject into their serious consideration, and to go into the committee, for the purpose of seeing whether some means might not be devised for alleviating the hardships and sufferings of these little helpless and unprotected victims of our manufacturing prosperity. He therefore moved, "That the Speaker do now leave the chair."

Lord *Stanley* rose to oppose the measure. The object of it was, he said, in opposition to the feelings of many with whom he was in the habit of acting both in and out of the House. In the county of Lancaster particularly, the bill had excited a strong sensation. No doubt many respectable inhabitants of Manchester had petitioned in favour of it, but the House ought to consider that the question involved considerations affecting not merely the interests of the children employed in the cotton factories, but the interests of the cotton manufacture, and the interests of the empire at large. The present bill was represented by the hon. baronet as only an intended amendment of the 42nd of the king. To this assertion, coming from the quarter it did, he was bound to give credit; but the two measures appeared to him substantially different. The Apprentice act took care of the interest of a large body of children, who, at the time it was passed, were placed

in a situation that called for the protection of the House. At that period he was well aware, that great abuses had existed, with respect to the treatment of children employed in the cotton manufactures. They had been frequently removed under the conduct of parish officers, against their own will and that of their nearest connexions, to some distant manufactory, and bound apprentices in troops to those with whom they and their parents were totally unacquainted; and they experienced in their full rigour all the severities of such a system. The cotton trade was not then what it was at present. Those who were engaged in it at that time, were anxious to procure, in a short time, immoderate returns from their capitals. In pursuance of that object many abuses crept in with respect to apprentices, to prevent which it was judged expedient to pass the Apprentice act. But it could not be denied, that a great amelioration in the system had since taken place. The bill now before the House, however, stated that the Apprentice act was now insufficient, but from what reason he did not know. Were any of the clauses evaded? Or were they rendered null? This he believed could not be asserted. The reason why that measure was now inefficient was, because it had no object to act upon, the abuse with respect to apprentices no longer existing. The present bill had in view not only apprentices, but all persons who worked in cotton factories. Two years back, when a committee was moved for to inquire into this subject, he voted in furtherance of it. They sat for some time without interruption. Much important evidence was laid before them, and communicated in their report, but yet they gave no opinion upon the question. They merely stated, that the evidence itself would lead to the proper conclusion. No farther steps were then taken, but the hon. baronet who promoted the committee, still persevered in the measure, and brought in a bill in the present session. The present bill, when sent to the country, coming unexpectedly, created alarm; the manufacturers were astonished to find their interests had been decided upon without any opportunity being given them to represent their case to the House, or be heard by counsel at the bar. His great objection to the measure, however, was on the principle that it went to interfere with free labour. Had it been confined merely to apprentices, he should not oppose it, but in the law of this country, there was no precedent for such an interference. Where was any instance of it to be found? The measure would tend not to regulate, but to destroy the cotton trade altogether. He considered the principle of free labour to be inviolable by the laws; but still he did not mean to say that the legislature had not power to make such provisions as it might deem most expedient for the regulation of a trade which was found to be injurious to health. But this was not a new trade. It had long been one of the principal branches of the country, in which a vast amount of capital, and great numbers of people were employed, and it would require the most satisfactory evidence to show that it affected the morals, or undermined the constitution of those who were engaged in it. Here the interference with free labour was particularly objectionable, as these children or adults were themselves free labourers, and often the children of free labourers, who were upon the spot to watch over their interests. Another point of consideration was, that it at once militated against the exercise of particular trades without the previous qualification of apprenticeships. The object of the bill was said to be the protection of children's health and morals against the rapacity both of their parents and masters. This was as much as to say that parliament would no longer trust parents with the care of their own children. The professed object of this bill was, to interpose between the parent and the child, the master and the juvenile workperson, and to hold out to the public that those whose duty and whose interest dictated affection and care to those about them, were indifferent to the first moral obligations they were bound to consider. The manner in which it was proposed to carry this object into effect was, by fixing a *minimum* with respect to age, and also by diminishing the hours of labour. Allowing that good effects as to health, might result from such regulations, they should still consider what other effects might arise from them. Fixing a *minimum*, it was true, might prevent the employment of children under a certain age. At present, when they were taken under that age, it was rather at the desire of their parents than of the masters. They worked in the factories under the eye of the former, and contributed by that means towards the support of the

family. This advantage would be lost if the present measure were allowed to pass; for it struck directly against that established principle which gave the parent the labour of his child during his minority, so long as he gave him adequate support. The result of such a regulation must inevitably be, that the children would cease to be employed, and that their parents would lose the value of their labour, while the children were consigned to unprofitable idleness. It could be shown, that children employed in cotton factories, were not put to business at an earlier age, or kept longer to labour, than in many branches. As to the general opinion that the cotton trade was so far more unwholesome than others as to call for the interference of the House, of that there was no proof. Water-gilding was very pernicious to those employed in it, yet it was not under the operation of any legislative restriction. The plate glass business was allowed to be highly insalubrious. Children, however, were employed in it, though exposed to violent heats and drafts of air. Glass-cutting also was unhealthy. The work was carried on in damp places; people of tender age were employed in it, but yet, in none of these cases did the legislature think it necessary to interfere. Was the weaving trade less unwholesome than the cotton? And were not children put to it at as early an age, and kept as long at work? The weaver was pent up in a lone, close, confined cabin, and often obliged to work upon a damp floor. Working people were exposed to the vicissitudes of excessive heat and cold, to damps of every kind, and to every species of bodily infirmity, in the coal and lead mines, and yet nobody ever called for such legislative enactments in the management of those concerns. During the late distresses which pressed upon the country, those employed in the cotton business were better off than others; with the assistance of their children, they were enabled to obtain sufficient for the support of the family. Such he feared would not be the case if the bill were to pass into a law. It would take away half their usual earnings from the working spinners. Masters might avoid any inconvenience by employing in their works only men and women, but what could the children do when their means of support were taken away? At present parents found a difficulty in bringing them up well, even by the united produce of their labour. The difficulty would be much greater when the children themselves were prevented from contributing any thing towards their own support. It should be considered what effect the measure was likely to have upon morals. Limiting the hours of labour could not tend to improve them. On the contrary, it would only give more opportunities for idleness, and all the bad consequences arising from it. The result of the evidence laid before the committee two years back, tended to prove that the morals of persons employed in cotton factories were not worse than in other situations. One consequence of this bill would be, to create disunion between children and their parents. What effect must it have on a child, to perceive that those to whom his interests ought to be most dear, were not considered by the legislature as fit to be trusted with the regulation of his conduct! With respect to the petition from manchester, which was spoken of in such high terms, he was aware of the respectability of many of the gentlemen who signed it, and had the highest respect for them. With one of these gentlemen, the rector of St. John's, he had the pleasure of being particularly acquainted, and a more feeling heart or virtuous mind than that gentleman possessed, was no where to be found. Such indeed was the goodness of that rev. gentleman's nature, that whatever had even the shadow of virtue was sure to meet his unqualified support and advocacy. He thought on this occasion, that the reason why the name of the rev. gentleman to whom he alluded was attached to the petition, was to be found in his anxious desire to remedy what was represented to him to be an evil, without his being fully aware of the effects which it would produce. As to the other signatures to the petition, he believed that many, that the greater part of them were procured by delusion, by a report circulated through the town and its neighbourhood that the persons employed in manufactories would receive the same if not more wages, though their hours of labour were lessened. It had been said by some hon. members who supported the bill, that the children working in cotton factories being crippled or enfeebled, it would in a short time be difficult to find soldiers capable of serving the country. To this he should reply, that he had some experience on that head from the situation he held as an officer of a militia regiment in Lancashire, and he

could inform the House, that in no one instance had he found that any of the disabled persons who offered to enlist in that corps, had worked in cotton manufactories. He had made this a particular object of inquiry, and such he had found to be the result. It had been said, that the opinions of medical men were, that working in those manufactories was peculiarly unwholesome; but if the hon. baronet would take the trouble to inquire into the subject, he would find, that those opinions had been given without any inspection into the actual state of the labourers. He did not wish to take up the time of the House; but he was prepared to prove, if necessary, that those pulmonary and other complaints were not peculiarly limited to persons working in manufactories. There were other gentlemen, however, who would follow him, and who, from their more intimate acquaintance with the cotton trade, could give the House more information on the subject than he could be supposed to do. From every view that he could take of the subject, he thought the bill uncalled for; it was founded upon a new principle, and that principle was about to be acted upon where it was least required. It had a tendency, as he before said, to create disunion between the parent and the child, the workman and the master; and while it was said to give time for the instruction of children, it took away the means by which such instruction was to be obtained. It would, in fact, have an effect quite the reverse of what he was convinced the hon. baronet hoped to produce by it. It would have the effect of increasing the difficulties of our manufacturers in their competition with those abroad; it would be giving a premium to mills in particular situations, namely, the mills which went by steam, while the mills which went by water would, in many cases, be unable to go on. There were many instances in which it would be the ruin of labour, and it would offer a premium to those establishments that were situated in large towns. Considering it, therefore, in every shape objectionable, he felt it his duty to move, as an amendment, "That the House should resolve itself into a committee on the bill on this day four months."

Lord *Lascelles* thought the question was of such importance, that he could not allow it to pass without offering a few observations upon it. He should direct himself solely to the principle upon which the measure was founded, and in doing so, he should call upon the House to recollect what it was they were about to do. If they thought legislative interference necessary in the regulation of cotton factories, why should they not also interfere in the regulation of all other sorts of labour, and point out what was the number of hours during which the different trades should be carried on? It ought to be considered whether that House was justified in regulating every branch of trade in the country, and ordering what degree of labour was to be endured by people in different trades. If he did not see the question in this point of view, he would not, by any means, oppose a question of humanity, as he knew that all who attempted to oppose a question of such a nature were sure to be run down. But whatever might be the humanity which dictated the measure, he would say again to the House, be cautious what you are about, as, if you interfere now in this instance with the regulation of labour, you will find it difficult to find out when to stop." Such a measure would have the effect of discharging from those factories children under 16 years of age, and then they would be thrown upon their parents, and from their parents upon the parishes. In that case, it would not be bettering the condition of either the children or the parents. It was nonsense, he begged pardon of the House for the expression, but it was really nonsense to say that the children would be improving themselves in the hours when they were not employed; the event would not be so. Their time would be principally spent in idleness. If the children under 16 were discharged, it might be asked would that be a beneficial effect of the bill? The advantage would be thrown into the populous towns. And what, it might be asked, would be the effect on those factories out of the reach of population, where it was possible, that if they were obliged to submit to all the regulations imposed by the bill, they might not be able to go on at all? There were many mills obliged to wait for water till other mills had used it, which would not agree at all with the regulations of the bill. Out of 16 factories in a small district of the county of York, 15 were worked upon water. The hon. member for Coventry had made a remark which he thought deserving of notice. He had said that the deterioration of health in those employed in the cotton factories was observable at a first glance, in the

distorted limbs and unhealthy appearance of the objects; so that they were not fit either for the army or for the navy. These might be facts with regard to some individuals, and yet the general trade might not be answerable for them. But if such an argument was good for any thing, the blow ought to be struck at the whole system—the House ought to go the length of altering, or rather putting an end to the trade altogether; for, if the present system was to have the effect of depriving them of an army, the proposed reduction of one or two hours in the period of labour could not be supposed to be sufficient to counteract so great an evil. The labour as at present followed, was undoubtedly, in his opinion, free labour, as he did not know how the parent was to be separated from the child by any mode of legislative interference, and as free labour it should undoubtedly be allowed to continue. To any motion which the hon. baronet should bring forward, he would wish to give the greatest consideration, but with all due respect to that hon. member, he believed the present question did not originate with him. He believed it had its origin from a gentleman who had, for the last twelve months, made much noise in the public prints, he meant Mr. Owen, with whose improvements on some occasions he was not fully prepared to agree; and that it formed a part of that system of moral education which was projected by that individual, in the management of this branch of trade, who said, that from his own experience at Lanark, the reduction in the hours of labour, so far from diminishing the general produce of the factories, rather tended to increase it; a proposition beyond his (lord Lascelles) comprehension. On that ground, he should repeat, that he did not consider the motion in the same light as he should have done if it had emanated from the hon. member himself. But with whomever it might have originated, the House ought not to come to a hasty decision, and that too on ex-parte statements. They ought to inquire into the subject with the closest and most impartial attention; and even after such inquiry, he should doubt whether it was a matter which allowed of legislative interference. He knew that many facts had been mentioned of persons who had worked in cotton manufactories having become lame and disabled; but was that an argument to prove that their debility was occasioned by their work? It might be proved that a man working in a mill had become lame or unable to work; but such a circumstance would not prove that his working in a mill was the cause of the lameness or inability to work. Of such a nature, he conceived, were the instances so often repeated relative to the children and grown persons employed in manufactories.—He had no interest, either directly or indirectly, in any cotton manufactories; and could not, therefore, be supposed to have any prejudice on the question. He knew that some cases of hardship did exist in the cotton as well as other factories; but the question was, whether such hardship required or allowed of the interference of the legislature, whether it allowed them to interfere between parent and child? He objected as much as any man could do to looking to the interest of the manufacturer at the expense of the labourer, but seeing the inroads the bill, if carried, would make on all trades, he felt it his duty decidedly to oppose the motion for the speaker's leaving the chair, unless on a distinct understanding that after the bill had passed through the proposed stage it should be referred to a committee above stairs, which alone could get at such information as might enable the House to pronounce a wise and well digested opinion on the subject. In recommending this course he was actuated only by a sincere desire to do justice to all parties.

Mr. *Peel* considered the noble lord who had just sat down to have acted the most manly part, by coming forward to state his sentiments on this measure without disguise, and he was perfectly satisfied, that in the course he had taken he was solely actuated by humanity. He, however, could not think that the noble lord was justified in objecting to this bill, because a gentleman who inculcated certain speculative opinions on subjects of political economy was supposed to have been concerned in bringing it forward. Whether that gentleman was concerned in it or not, was a matter of indifference to him, and he called upon the House not to reject a judicious measure because it might have the misfortune to be supported by an indiscreet advocate. Against such a doctrine he would protest—and maintain, that the question must rest on its own merits, and not on any adventitious circumstance. The noble lord had said that he objected to this bill being passed on *ex parte* evidence, and he therefore

wished the subject to be referred to a committee above stairs. He (Mr. Peel) would limit his defence of it to *ex parte* evidence, to that furnished by the opponents of the bill, and on that he thought it would not be difficult to convince the House that, if without contravening some great general principle, they could apply a remedy to the existing evil, it was their duty to do so. He considered that he had two classes of opponents to reply to—those who admitted there was an evil to remedy, but were fearful of the principles on which the bill was founded—and, in the second place, those who were not afraid of the principle, but who considered there was no evil which required legislative interference. To the first, he replied, that in ten thousand cases connected with commerce, remedies had been supplied to particular evils without prejudice to general principles. To say the principle of interference was without a precedent was contrary to the fact, for it was constantly acted on in commercial regulations where peculiar exceptions from the general rule of trading practices called for a particular mode of relief. Now, did the cotton trade present such an exception as called for the application of this remedy? He thought it did and for this reason—it was carried on in immense buildings, in many of which more than 1,000 children were kept at work, 12, 14, and sometimes 15 hours a day—no distinction being made between the child of the tenderest age and the most grown, or between the imbecile and the strong. These children were obliged to work the same hours as men, and if in manufactories where the average time of working did not exceed 12 hours, from accidents which stopped the mill, they lost a few hours, they were obliged to fetch them up by "extra time," and this imposed upon them occasionally the necessity of working 15 hours in one day. The business, besides, was carried on in an heated atmosphere. In the finer branches of the manufacture, he believed, it was necessary that the body should be kept in such a temperature that the threads would adhere to the fingers of the work-people! In some, the atmosphere was polluted by small flying particles of cotton, and this evil, though guarded against in some manufactories, could not be prevented in all. The numbers employed in the cotton trade was another of its peculiarities. If the evil were a small one, then legislative interposition might be necessary, on the maxim, *de minimis non curat lex*, but here the evil was confessedly great, for in Manchester alone no less than 11,600 children were employed in this trade. The noble lord had objected to any interposition, on the ground that it would alter the relations between the parent and the child, the child and the master, and affect that arrangement of free labour, or, as he afterwards qualified it, by saying, "what was called free labour."

Lord *Stanley* observed, in explanation, that he used the words "free labour" in the sense of the child being so employed by consent of its parents.

Mr. *Peel* resumed, and said that the erroneous conclusion of the noble lord was that the parents had an option in the business. The parents had no objection to this measure. It appeared they were willing that the hours of labour in each day should be limited to eleven; but they had no alternative, as the masters said they must either remove their children altogether, which they could not afford to do, or they must let them work 12 or 14 hours, as the men did. The noble lord had approved of the Apprentices bill, but he (Mr. Peel) contended that those who were to be protected by the present measure, were less protected by the interest of the master from the abuses complained of, than ever apprentices had been. The master had an interest in preserving the health of his apprentice, particularly during his early years, for he was bound so to apply his time, as to prevent his being a burthen upon him by indisposition or otherwise during the subsisting engagement it was imperative upon him to maintain; but in the factories the terms of engagement were either daily or weekly, and the proprietor, in case of illness or accident, had always at hand the means of replacing the person discharged. This particularly struck him from the evidence of Mr. Lee, the partner of the hon. gentleman opposite, who had said this measure would press harder on the manufacturer in the country than on him who resided in Manchester, as the latter was "nearer the market of labour." The meaning of this was, that if the children in his employ failed him, he could easily procure others from "the market of labour." What was this but saying that because hands might always be obtained by the manufacturer with facility, there existed no

necessity of his relaxing any part of that system under which so many were willing to act? Substitutes were easily had for the sick or the weak child, and no very great inducement was held out to show the necessity of restricting the hours of labour. Look, then, in case of the accidents to which these mills were liable, and the consequent practice of making up for lost time in the mode of pursuing the business when the machinery was again put in motion, and the House must be at once struck with the severe duties imposed upon children. If, as had been said, the consequence of this bill would be, that the masters would supplant the children by the employment of adults, then it was clear that the former were merely retained for their labour, and that the interest of the master was not, as had been asserted, a sufficient security for the treatment of the child. If the system was so much improved as some of the opponents of the bill contended it was, this made his argument but the stronger. He could wish to know when the eyes of the masters were first opened to their true interest, and whether the alteration which had taken place had not been made as a preparation for an expected inquiry? At all events it was necessary to guard against a recurrence of the evils from which it appeared those employed in the cotton factories had but recently escaped. What security was there that the factories would not relapse into the system of bad management from which they had emerged? What security was there that if parliament withdrew its interference, the arrangements of those establishments would not again fall into that irregular and oppressive distribution of labour which previously characterized them? The number of hours during which children were employed at these factories, appeared, from the evidence of the proprietors themselves, to vary, on an average, of from twelve to fifteen hours each day. In one manufactory at Manchester, which employed 600 persons, 374 of them were under 18 years of age; and when they considered that 11,600 children were thus employed in one town, it was an argument, *à priori*, without any reference to the other parts of the subject, that, from the mode of labour pursued, the injurious consequences to the health of the children must be manifest. That they ought to work, and to work hard for their subsistence, was what he did not mean to deny. That a large proportion of society must earn their bread by the sweat of their brow, was what might appear hard to the philanthropist, though the philosopher must think it necessary; yet necessary as it was in the state and condition of society, it was yet incumbent on the legislature to see that such a system of over-working was not applied to the infant race, as paralysed their future exertions, and deprived them of all fair and useful recreation. Even what was said of the measures taken to give these poor children education, proved to his mind the hardships to which they were subjected. He learned with disgust that they were not sent to school to receive that instruction which might raise them above the machine at which they worked, till they had been exhausted by 13 or 15 hours of labour. In the evidence before the committee, Mr. Sandford had quoted the returns from the Sunday schools, for the purpose of contrasting the superior appearance of the children employed in the factories with those in other employments; they attended more regularly than the other children, were cleaner and more orderly. But then came the part of the explanation to which he (Mr. Peel) begged to direct the attention of the House—"the children of the cotton factories were in as good health as the others, though they did not look as well." [Hear, hear!] It was also said, "they came as early to school as the other children, except in some of the evenings of the winter months." This explanation afforded room for much consideration. Was it not disgusting to see that education, which was intended to be the greatest of blessings, converted into a curse by this mode of compelling the children to try and avail themselves of it, after thirteen hours and a half of fatigue, when, throughout the day, labour had drained from them every spring of action that could refresh their faculties, and benumbed that elasticity of mind which could excite them in the pursuit of study? —was it not disgusting to see them thus transferred, after 13 or 15 hours of bodily exertion, to close the day under the hands of a writing-master?—Of the children who worked fifteen hours, possibly not one resided in the mills; many of them were obliged to come from the distance of a mile, and the time so taken up was to be added to that of their employment in the mill. He would appeal to the common sense and feeling of every man to admit

—he wanted no evidence to prove—it was impossible that it could be requisite to the prosperity of this great and flourishing country that such enormous labour should be exacted of near twelve thousand children in one town. The facts acknowledged were enough for his purpose. An hon. member laughed when he said he wanted no evidence. Did the hon. member mean to say no evidence could be produced? That there was no evidence before the House? If evidence was wanted, he need go no farther than a petition which he himself had the honour to present, of the highest character, signed by thirty medical gentlemen and twenty-one clergymen. In answer to the allegations of, and inferences from this petition, the noble lord said he would grant it was signed by one gentleman of great respectability, but of so easy a disposition, and over-compassionate temper, that he might readily be prevailed upon to lend the sanction of his name to any document of the description. It was in this manner the noble lord endeavoured to shake the testimony of a name so elevated and respected. The noble lord was compelled to acknowledge that the legislature had already acted on the principle of interference with free labour, as it was called, in the instance of the chimney-sweepers. He had indeed afterwards laboured to establish a distinction, by which that case would be taken out of the general principle; but he had failed—he was mistaken in his opinion—his opposition was too late. "The Chimney Sweeper's act," said the noble lord, "altogether abolished—this bill goes to regulate, a certain species of labour for children." But surely the noble lord must confess that an act which absolutely prohibited the employing of children in any occupation was a far more violent interference with free labour than one which only limited it to a certain period—eleven hours for example. Others again who spoke of the unhealthiness of cotton mills were answered by some hon. members, who seemed to think that of all the healthy spots on the face of the globe, a cotton mill was the most healthy. Indeed if all that these hon. members said of the healthiness of cotton mills were true, application ought to be made to the legislature for the erection of cotton mills, for the purpose of further and more effectually providing for the health of his majesty's liege subjects. The instances produced from the evidence were certainly strong enough to support the most unqualified of the assertions which had been made as to the healthiness of cotton mills. One of the instances was that of a mill at Glasgow, in which he believed an hon. gentleman opposite was concerned. It was given in evidence that in this mill 873 children were employed in 1811, 871 in 1812, and 891 in 1813. Among the 873 there were only three deaths; among the 871 two deaths; among the 891 two deaths; being in the proportion of one death in 445 persons. So very extraordinarily a small proportion had naturally excited the astonishment of the committee, and therefore, as was to be expected, they questioned medical gentlemen as to the proportion of deaths in different parts of the kingdom. When this statement was shown to sir Gilbert Blane, he expressed his surprise, and observed, that if the fact was not asserted by respectable persons, he should not believe it; and being asked why he distrusted it, he said, that the average number of deaths in England and Wales was one in 50 (in 1801 there had been one in 44). There were favoured spots certainly, Cardigan, in which the deaths were as one in 74; Monmouth, in which there were one in 68; Cornwall, one in 62; and Gloucester one in 61; yet in the cotton factories they were stated to be as one in 445! In one of Warton's beautiful poems, which began with these lines:—

"Within what mountain's craggy cell,
"Delights the goddess Health to dwell?"

After asking where the abode of this coy goddess was to be found—whether on "the tufted rocks," and "fringed declivities" of Matlock—near the springs of Bath or Buxton—among woods and streams—or on the sea shore, it would certainly have been an extraordinary solution of the perplexity of the poet, if when he inquired

"In what dim and dark retreat
"The coy Nymph fix'd her fav'rite seat?"

it had been answered, that it was in the cotton mill of Messrs. Finlay and Co. at Glasgow, yet such was the evidence respecting this mill, that its salubrity appeared six times as great as that of the most healthy part of the kingdom. This was the sort of evidence which had been brought to disprove the evidence of disinterested persons, of medical men, and even of persons who had an interest opposed to the measure before the House. He held in his hand resolutions by the cotton spin-

ners of Ashton-under-Line, and also of Halifax, which stated their opinion that it was become highly necessary to limit the hours of labour in cotton and other mills. They wished, indeed, that the number of hours should be greater than that in the present bill—for they wished the hours of labour to be twelve; and they said they were willing to confine themselves to that number of hours, but that others would not do it, and they should therefore be subjected to unfair disadvantages. But the number of hours was comparatively of small consequence, provided it was within due limits, for they all admitted the principle of the present bill. Here were proceedings on the part of the masters themselves admitting the propriety of interference by the legislature, and the ground alleged for the resolutions they had come to was, that they did not find that the limitation of labour by the masters had produced the bad effects once apprehended from it—but then they added, that they alone could not do this, because the parents, and some of the children themselves would prefer factories where the time of working was fourteen hours, on account of the additional wages; but if the House would make the regulation general, so far from objecting to it, they would hail it with joy as an important boon. This was the last evidence which it was necessary to mention to the House, for it was the evidence of the party interested. With all this, then, before the House, it was surely enough to show that justice and humanity and good policy, called upon them to pass this bill; and to accede to the proposition of limiting the hours of labour of children in cotton factories to eleven and a half.

Mr. *Philips* felt much difficulty in contending against the humane and benevolent feelings of members however injudicious, especially as they were raised to an unusual ardour by the speech of the right hon. gentleman, and by the means formerly used to excite and inflame prejudice on this subject. If cotton mills were such as they were represented, he should at once say, "Sweep them away altogether." He disclaimed any personal views or interested motives on this question. Great pains had been taken to excite prejudice, and out of doors suspicion was at work on this subject. The manufacturers of cotton were objects of hostility to the manufacturers of piece goods, who were desirous of reducing the productive power of cotton manufactories in order to increase their own exports. Amongst cotton-spinners themselves too, there were jealousies and divisions. Some employed children, others employed apprentices, among the latter the hon. baronet who brought forward the bill had himself been. Those who employed apprentices being under the regulation of an act of parliaiament; and conceiving that they were thus disadvantageously situated in comparison of those who employed free labour wished to reduce the latter to their own condition. There was an impression created too, that an act of parliament would reduce the hours of labour without reducing wages. It was necessary to mention these facts, to account for the petitions which had been presented in favour of the bill; and when it was also taken into account, how easy it was to procure signatures to any petition which purported to be for an increase of wages and a reduction of the hours of labour, when a gentleman chose to send for persons to his house to give flattering representations of the benefits to result from the bill, and to solicit their signatures, the petitions could not be a matter of surprise. The advocates of the bill dealt in general assertions which it was difficult to disprove, but which had been uniformly disproved when they had been founded on tangible statements. It was said that children in cotton mills were inferior to other children—1. In education. 2. In morals; and 3. in health. It had been proved in opposition to this, that the number of children employed in mills, who attended Sunday schools at Manchester, was equal to that of other children; that their morals were as good, and it would have been strange, if habits of order, industry and regularity had produced immorality. As to their health, if the House instead of looking to opinions without any facts stated in support of them, looked to the facts themselves, and to opinions founded on an examination of them, they would find that the statements respecting their health were as devoid of truth, as those respecting their education and morals. Dr. Henry had borne evidence that in hospitals there was not 1 in 12 from the manufactories. Even in the female wards there was only 1 in 12. As to morals, it would be strange if those who were industrious, regular, and cleanly should not be superior to others. Dr. Henry, Dr. Bordsworth and Dr. Symonds of the Manchester House of recovery had said that the pro-

portion of sick from the cotton factories, compared with those who came from other factories, was as one to twelve. Mr. Ranson an eminent surgeon, stated, that cases of white swelling and deformity were much more common to weavers than cotton spinners, the cotton spinners being less exposed to changes of temperature. Mr. Morris another eminent surgeon had declared that 14 years of experience in the Manchester Infirmary had convinced him that cases from cotton-factories were less numerous than from other trades. In the Manchester Infirmary, in Feb. 1817, the patients who had been employed in cotton mills were as one to six to others. In March 1818, the in-patients who had been employed in cotton mills were as one to 11, the out patients as one to five or six to those who had been otherwise employed. Mr. Ransom had also said, that he found the children who had been employed in cotton mills much less subject to glandular swellings, scrophula and white swellings, than the weavers. The surgeon of the Manchester workhouse had declared himself in favour of legislative interference before he had examined into facts; but he had after a minute examination confessed his error, and had proclaimed the balance to be in favour of the cotton-factories. He had declared that if his experience in the workhouse might be taken as a test, the children belonging to cotton factories were more healthy than other children:—he supposed, therefore, that cleanliness and ventilation made up for the disadvantages of their situation. Those who knew Manchester knew the difficulty there was to get the medical men there to agree in the same opinion. Their disagreement there was proverbial. When he had mentioned to a friend Dr. Henry's opinion, the reply was, "You know that if Dr. Henry thinks one way, Dr. ——— is sure to think another." Many medical men, who had put their names to petitions, regretted that they had done so since they had made an accurate inspection; certificates that the factories enjoyed good health, and were well ventilated, were signed by Drs. Henry and Hamilton, who had originally signed petitions for legislative interference. Medical men were now going through all the factories in Manchester, and all authorities were unvarying to show, that the condition of the people in cotton factories was better than in any other; this assertion was made on the most conscientious conviction. In other factories the work and wages were irregular; in the cotton factories both were uniform, and all were compelled to admit that the labour was light; they were therefore better clothed and better fed than others. The right hon. gentleman had expressed incredulity at the very small proportion of deaths in the factory at Glagow, but the persons employed there were in the most healthy period of life, and therefore there was nothing incredible in the statement, neither was it stated that the numbers mentioned were all who had died. They were all whose deaths were recollected. Mr. Sandford's evidence had been referred to, but the most material fact stated by him had been omitted, viz. that when five hundred persons at a Sunday school had clubbed a certain sum for their support in case of sickness, the sum drawn out in the year by those employed in cotton mills was 2*s.* 0½*d.*, the sum drawn out by the others, 3*s.* 1*d.* for each. In one large factory, only 5*l.* had been received for poor-rates for the whole year; and in 1816, a year of the greater distress, one factory had contributed 24*l.* to a soup society. The hon. gentleman had complained that the children were worse off and more under the control of their masters than apprentices; but that was not the case; they could now go home, and be attended to by their parents, an advantage which the proposed regulations would destroy. Taking children from their parents, and placing them under the control of others, had excited a great outcry in a discussion on the poor laws; it was equally impolitic in the present instance to attempt what never could and never ought to be effected. In a country like this it was dangerous to violate the most perfect freedom of arrangement between wages and labour. It was not enough to act under the impulse of humane feelings alone. To real charity many things were essential, besides almsgiving, which, when indulged indiscriminately, provoked the very evils it wished to alleviate, and caused nothing but idleness and discontent. In the exchange between wages and labour, interference must have a most pernicious tendency. The effect of interfering on behalf of the Spitalfields weavers had been to establish that manufacture in Cheshire. In Cheshire they were now petitioning for the same interference, and the result would be, to drive the manufacture from Cheshire

also. The labour of cotton-factories was nothing compared with the labour of other employments, and yet the others, with every exertion, were hardly able to procure a subsistence. Suppose in those cases any one were to say, "Take care of your health; you will hurt your constitution; you will bring on disease." If a similar measure to that now proposed for the spinners had been applied to other branches of the cotton trade, what would have been the consequence? When the weavers were working 16 hours a-day for small wages, if parliament had stepped in and said, "you shall only work 10 hours—you shall not receive less than so much wages," what would have been the consequence?—They would have been starved into rebellion. Whereas, by their persevering labour at that low rate, they had done what no one could have anticipated. The low rate at which we had been able to sell our manufactures on the continent, in consequence of the low rate of labour here, had depressed the continental manufactures, and raised the English much more than any interference could do; and if the legislature interfered now, they would repress the English, and raise the continental manufactures: but if our produce continued to sell on the continent, the increased demand must afford more employment and higher wages for our workmen here. The general hours of work now were from twelve to twelve and a half. The tendency of interference would be, first, to increase wages—workmen would do less and receive more; an increase of population would follow on this comparative case, and the increased competition for labour must in the end lower wages; while the temporary increase of price, consequent on a temporary increase of wages, would give the continental manufactories a start, by enabling them to sell at a lower price than ourselves, and thus by lessening our sale, lessen the demand for labour, while the demand for employment was increasing. Messrs. Lee and Holdisworth had reduced the hours of labour in their factories, and the people, instead of being better off, had been much worse off, and more discontented, and had withdrawn their subscription from the sick-fund. Here then the very experiment had been made which the House wished to attempt. An hon. bart. had said that there were no petitions against the proceedings of 1802. But the factories of Manchester were as improved at that period as at the present day. And this improvement was not confined to one, but was common to all. Mr. Birley's factory was very well conducted, whatever might have been said of it, and none could be found in which disease was prevalent. There was also a strong fact to show that the factories of Lancashire were not inferior to any others. By the returns to the committee on the poor laws, the number per cent who received relief in Lancashire was less than in any other county, except Cumberland; the number was 5 for Cumberland, and $5\frac{1}{2}$ for Lancashire. In Buckinghamshire 13, in Wales 7, &c. The amount too of relief per head was less in Lancashire than in any county except Cumberland, 10*s.* in Lancashire, 9*s.* 9*d.* in Cumberland; and 20*s.* or 26*s.* in some other counties. These facts were incontrovertible, and the inference was, that the cotton-spinners were well off. If the present principle of interference were to be applied, there was no manufacture or employment to which objections might not be made: the farmer was exposed to the inclemency of the seasons, and subject to chronic complaints. Mines were of all places the most notoriously unhealthy, especially lead mines. Potteries were far from being salubrious. The Speaker himself, sitting in that chair, went through more labour in a single session calculated to impair his health, than the people in a well regulated factory endured for the whole year. Confinement, he would allow, must have an effect upon the complexion—it had in that House.—They had not within their walls the ruddy complexion of the husbandman, except in a few instances. The temperature of factories, whatever had been said, need not be in general above 63. Mr. Molesworth had represented it as not more than 74 degrees, even for the finest spinning; but even taking it from 70 to 80, the excess was not very great, particularly when it was recollected that the numbers employed in this fine spinning which required so much heat did not exceed 600 or 700 persons. However, nothing could be done by interference but mischief, and it was most dangerous to manufactures, by producing combinations among workmen. [Hear, hear!]. Gentlemen might cry hear! but he should conceive it his duty on all occasions to speak against combinations so destructive to the happiness and morals, as well as the existence of the working classes, be-

sides being ruinous to our manufactures. A spirit of false honour was created which it was most difficult to cope with: the present bill held out a temptation to all such combinations by exciting petitions, and promising little work and high wages. But the House ought to know that these petitions were obtained by disorderly workmen meeting at public-houses, and forming themselves into central committees. The purpose of those who petitioned for the bill was to reduce the hours in order to increase the wages of labour. This, certainly, would be the first of its effects. But he besought the House to consider where they would stop if they interfered in the present instance. Every other class of manufacturers would come forward with their demands, and the regulation introduced in this case could not be refused in others. The principle now introduced would extend to all. There was no peculiarity in the case of the cotton-spinners that did not extend to other manufactories. The linen and the woollen manufactories would require a similar regulation. He had been in some woollen manufactories, and he found no other difference between them and those now under consideration, except that in the former a greater quantity of oil was used, and of course there was a much worse smell. With regard to the linen manufactories, there could be no reason why they should not be regulated as well as the cotton, except that in the latter case the yarn was exported, and in the former not, a distinction which might soon cease by such a violent interference with labour as the present bill would in principle authorize. Any person who considered the subject would see that the same abuses, if abuses existed, were to be found in all our manufactories, and, therefore, that they ought all to be regulated on the principle which would admit an interference with one. It was impossible to draw a distinguishing line between them.

Mr. *Wilbraham Bootle* wished to say only a few words. His attention had been long turned to the subject before the House, and he zealously supported the bill. The petitioners for its passing had great weight with him, and should have great influence on the House. The hon. gentleman had endeavoured to make an impression upon the House, by seeming to insinuate that the petitions in favour of this bill proceeded from some discontented manufacturers, or from the rivalry of the woollen manufacturers. This, however, could not have been the case with respect to the petition from Manchester, for it was signed by the clergy and by the medical men of the town, all of whom concurred in representing the length of time employed in labour as inconsistent with the health of the children. The statements against the bill came from people whose interests were opposed to it, while those who supported it by their petitions and representations from without, could have no interest but those of humanity to serve. The hon. gentleman spoke of the effect that the measure might have in increasing population, and creating paupers. This was an evil not to be dreaded, or at least was to be compensated by the good that it would produce. The 1,800 petitioners who supported it were so disinterested as to give it their concurrence, though if, as had been stated, all children under 16 years of age should by this Bill be thrown out of employment, these gentlemen were in fact promoting a measure which would throw a very great additional burthen upon the poor laws, to be defrayed by themselves. Much had been said about the danger of interfering with labour as a general principle: but the House had already during this session interfered with labour in the case of the Chimney sweepers bill, which had passed as it were, by acclamation; and therefore it ought, in consistency, to sacrifice the objections which were brought from this source. The hon. gentleman read some of the clauses of that bill, and contended that, as the principle of interfering with labour had been already acted upon, it was inconsistent now to object to it, because the objects of that benevolent interference were at a distance of 2 or 300 miles.

Mr. *W. Smith* entered fully into the discussion of the principle of the bill, stated the reasons which called for some legislative enactment, detailed the evidence taken by the committee in support of the present, produced the opinions of physicians against the system pursued in cotton factories, answered the objections of the opponents of the bill, and gave the measure his warmest support. He agreed with his hon. friend on the impropriety and danger of giving the slightest countenance to combinations among the labouring classes; but the best and most legislative way of preventing such combinations was to remedy their just com-

plaints. He also agreed with his hon. friend in the great importance he attached to our cotton manufactures, but did not think that he was right in his apprehensions of the injury which the present bill would produce with regard to them. He concurred with him, generally, on the impropriety of interfering with labour on indefinite grounds; but here was something tangible and definite, in regulating the age at which persons might enter the cotton factories, and the number of hours which they should work each day. Into the consideration of what was the proper or the exact number of hours he would not now enter. He would put it generally ought persons under the age of 12 to be employed from 13 hours and a half to 15 hoors a day in a cotton factory; and was it not injurious to their health and growth to be so employed? He did object to the employment of children; but was it fitting that they should be confined to labour in a close manufactory, longer than adults in agricultural labour or in other healthy employments. They had only three quarters of an hour allowed for their dinner time, and if they staid five minutes beyond their time, were compelled to work a quarter of an hour longer at night. His hon. friend had said, that the care of their children ought to be left to the parents, who would not allow them to work longer than was conducive to their welfare; but in using such an argument he had forgotten that the parents confessed their inability of themselves to limit their labour, by applying to the House in their petitions for the passing of the present bill. Much had been said of the means employed to procure these petitions, and of the representations put forth to influence the decisions of the House. But it ought to be recollected, that if representations were made on the one side, they were likewise made on the other, and that too by persons who had more weight than those unprotected individuals, and an apparently greater interest to stimulate their zeal. The evidence of physicians and others, who having no personal interest to serve, could not be supposed to have a wrong bias, was in favour of legislative interference. All the members of the faculty, from Machaon down to doctor Solomon, would be found to declare, that children of the age alluded to, could not, without injury to their health, work so long in factories as children meant to be protected by the bill now did. It was a fact which appeared in evidence, and could not be contradicted, that the cotton spinners of Preston had agreed during the discussion of this measure to employ their children only 13 hours a day. His right hon. friend, who said every thing he did say with great talent, had excited a laugh at the supposition that Hygeia would take up her abode in a cotton manufactory; but he had not stated the case so strongly as he might have done. Here the hon. gentleman entered into some statements of the comparative number of deaths between the ages of 8 and 20, in different places and different professions. After a long and minute examination of the different objections to the bill, the hon. gentleman concluded by giving it his warmest support.

Mr. *Finlay* protested against the introduction of fresh evidence after the inquiry before the committee had closed. The right hon. gentleman had brought forward a most extraordinary witness—the goddess of health; but unfortunately she proved nothing in his favour; he had probably found that she could not reside in the factory with which the right hon. gentleman had been connected. He was ready to admit that the number of hours consumed by children in labour was too great—and he would even acknowledge that it was fully competent for the legislature to interfere in correcting the evil; but he feared that the remedy proposed would not be attended with that salutary effect: he feared that it was worse than the disease, for it would drive people from an healthy to an unhealthy employment. He was convinced that if the bill were passed into a law, it would have the effect of driving children from a state of comparative ease and happiness to one of severity and hardship. The measure had been supported by some petitions, and those were in favour of it—in particular from the work-people in Mr. Owen's manufactory. Mr. Owen, it appeared, had, probably with a good view to his own interest, consented to reduce the hours of labour to ten and a half.—It was very natural that the labourers in that manufactory should desire that their brethren elsewhere should share an equal advantage, and no less so, that Mr. Owen should desire to have other manufacturers equally limited; but if the hours of labour were thus abridged, he could assure

the House, that this country could no longer enjoy her present superiority in manufactures in the foreign markets. He hoped they would not, by acting on a principle of mistaken humanity, and without having sufficiently investigated the subject, endanger the national prosperity. On such a principle the poor laws were originally founded, and the results had been distress and confusion wholly unparalleled.—It had been asked when those laws were first introduced "who could refuse charity to the poor?" but if but a hundredth part of the evil consequences which had resulted from that measure had been then anticipated, its framers would have shrank from the task which their humanity had suggested. In a great many instances the bill would compel the master-spinners to dismiss all persons between the ages of 9 and 16 years, and those poor children would be thrown upon the world without means of support, for no poor-rate could be competent to their maintenance. He insisted that the children employed in the cotton factories were more healthy than in many other employments, and he referred to the evidence to show that this was the uniform opinion of practical men; theoretical speculations were comparatively of little value. He put it to the House, whether, with the contradictory testimony before it, it was prepared to legislate upon the subject—to regulate free labour, and to interpose between the father and his child? There was an inconsistency in the hon. baronet's conduct, which was, that in limiting the time of labour for free children, he made no provision for apprentices, whom he still left, under the provisions of his own former act, to work 12 hours a day; so that while the present measure was endeavouring to limit the time of work for free children to 11 hours, the masters or parents had only to bind them as apprentices, and they could then, under the apprentice act, compel them to work for twelve hours a day. He could not conceive the motive of the present bill, unless, indeed, the hon. baronet's own manufactories were all worked by apprentices. He believed that the hon. baronet meant very well, but he executed very ill; he found no fault with his motives but with his measure. After having given the subject his fullest consideration, and being convinced that the bill not only would not produce any advantage, but would absolutely create great mischief, he should most decidedly vote for the noble lord's amendment.

Mr. *J. Smith* said, it was with reluctance he differed from so many friends to whose opinions he was always inclined to submit, but he felt himself obliged to do so on the present occasion. He had been long enough in the House to remember the arguments urged against the abolition of the Slave trade which at first, by the planters was called a measure of inhumanity and mischief, and yet was now admitted to be one of the greatest blessings that had ever flowed from parliament. He contended, that the important allegation in the petition of the workmen of Mr. Owen had not been contradicted, viz. that in the shorter time of work they were able to spin quite as much cotton as when they laboured a greater number of hours in the day. In Mr. Owen's factory at New Lanark, the people did as much in ten hours and a half as was done by any other factory in fifteen. The reason was, that knowing they were not required to work beyond their strength, they went about it with more cheerfulness and alacrity. The petition in question had been put into his hands by the individuals who had drawn it up, and a more modest or respectable body of men he never saw. In supporting the bill, he acted merely from motives of conscience and conviction, opposing the opinions of many most respectable individuals to whom he was under great obligations, and who had made many powerful representations to him on the subject.

Mr. *Robinson* conceived, that the question was one surrounded with many difficulties. He was always of opinion that the less the legislature interfered in regulating matters of trade and commerce, the better it would be for the country; but he did not mean to deny, that there where cases where it might be proper to interfere. One strong objection which lay to this bill was, not the effect which it might have upon one branch of trade, for he looked upon it not in that point of view, but that by it the House might be driven to a principle of interfering in the regulation of all other branches—a course, in his opinion, which would by no means be of service to the country. In examining the difficulties which lay on both sides of the bill, he thought that to justify legislative interference a strong case should be made out. With this impression he had determined to hear the subject discussed

before he decided; and now, after it had been fully, fairly, and coolly discussed, he conceived that a case had been made out to justify the proposed interference. The admissions of those who opposed the bill were in themselves sufficient to warrant this conclusion. To him it appeared, that the tender ages of the children, and the long time at which they were kept at work, were sufficient to diminish their health, and shorten their lives. Indeed, the circumstance that few persons were seen in the manufactories over forty-years of age, was a proof that their strength had been wasted before they arrived at maturity. If the bill went directly to interfere in the labour of adults, he thought it would be objectionable; but it would be going too far to say, that by protecting the children the adults might be incidentally interfered with and that therefore the children should be left as they were. That would be establishing the position, that there was no possible case, however strong it might be where interference could be justified. This was his conviction on the subject of the bill, and he thought it right to state it before the question went to the vote.

The House then divided: Ayes, 91. Noes, 26. The House accordingly resolved into the committee, in which Mr. Finlay protested against any farther proceeding upon the bill this night, after having been occupied in the discussion for so many hours, and expressed his resolution to avail himself of the forms of the House to give the bill every obstruction in his power. Mr. Lambton observed, that the objection as to the discussion for a few hours came with a very ill grace from those who were so indifferent about the laborious occupation of children for so many hours each day. After some desultory conversation, it was agreed that the chairman should report progress and ask leave to sit again.

Loan Bill.] On the motion for the second reading of this bill,

Mr. *Grenfell* observed, that as he understood an agreement had been entered into between the right hon. gentleman and the Bank, by which the Bank were to receive 800*l.* upon each million of money deposited by the subscribers to the loan, and 400*l.* upon each million of exchequer bills, he wished to give notice, if this information was correct, that he should oppose this arrangement as an extravagant grant, without any foundation in justice or equity, when the bill should come into the committee.

The *Chancellor of the Exchequer* agreed that the committee was the proper stage for entertaining the motion. It related to a distinct clause, which might, if it should be the pleasure of the House, be struck out without prejudicing the other parts of the enactment.

Mr. *Grenfell* now wished to put a question to the right hon. gentleman on a point with respect to which a great deal of doubt and some agitation had lately prevailed. It was desirable that it should be clearly understood, whether the subscribers to the new loan would be at liberty to fund any part of their respective portions, according to their own convenience or discretion or whether no option was left but that of finding the whole or none.

The *Chancellor of the Exchequer* admitted that the question put by the hon. gentleman was perfectly clear and intelligible, and felt happy in being enabled to give him an immediate explanation. The provisions of the bill were certainly intended to secure to every subscriber the option of finding either the whole or a part of the proportional amount of exchequer bills limited by the terms of the original contract.

Mr. *Grenfell* was anxious to obtain some information from the right hon. gentleman on another topic relative to the loan, upon which great uncertainty at present prevailed. The time was at hand for paying in 15 per cent on the new stock, and he understood that the Bank refused to those who wished to transfer from the 3 per per cents, the favour of so doing unless in their own names. Now it was well known that many eminent merchants, and other individuals, had large sums vested in the name of their bankers, and it was obvious, therefore, that this regulation on the part of the Bank must be productive of much inconvenience. What he was desirous of ascertaining was, whether the right hon. gentleman intended to support the Bank in their adherence to this regulation.

The *Chancellor of the Exchequer* said, that a complaint of this nature had reached him shortly before he entered the House. The rule adopted by the Bank was, he believed, to require either the actual signature of the proprietor, or a warrant of attorney to the exclusion of the mere representation of a third party. It appeared to him that this principle was quite regular, as the subject now presented itself, but it

might be expedient in the committee to frame some provision with a view of meeting this difficulty.

The Bill was read a second time.

HOUSE OF COMMONS.

Tuesday, April 28.

Report of the Northern Circuit Committee.] Mr. *M. A. Taylor* in bringing up a Report from the Northern Circuit Committee, begged to call the attention of the House to the importance of this subject. It would be found that individuals had remained in prison eight, ten, and even eleven months, before they were brought to trial, in the four northern counties of Northumberland, Durham, Westmoreland, and Cumberland. Of these persons, many had been at last acquitted. It was unnecessary for him to attempt to influence the feelings of the House by any observations on the effects of such a practice, which involved so lamentable and so disgraceful a failure in the administration of public justice. It would be seen by the petition from Norwich, that there had been cases in which persons had been kept two years in prison without being brought to trial. It would appear that the business of the four northern counties was very great; that causes had stood two or three years for want of time to try them, and that remanets greatly increased. The proofs were too voluminous for printing, but an abstract of them was given. It would be found, that of eight special cases six remained untried, though all the witnesses were brought up, and all the expenses incurred. He was well aware that objections to improvements would be started from quarters which did not choose to look the evil in the face. But he should feel it his duty to persevere to the best of his poor abilities, in order to bring the question before the serious consideration and determination of parliament. The committee, after due consideration, had recommended a division of the four northern counties. Even at York, last session, six official warrants and three common causes stood over. The northern counties, in business, exceeded that of the western and Oxford circuits. The committee, however, agreed that only the established judges of the land should be sent on the commissions, as the business ought certainly to be entrusted to no other hands. He had heard indeed of a proposal to send down a commission with a serjeant at the head of it; but he looked at such a measure as delusive, and as a merely temporary remedy. He considered it to be the duty of the government to look at the matter carefully, as they had the best means of advice, having at their command, for consultation, the lord-chancellor, the judges, and the law-officers of the crown. He would leave this question for some weeks to government and the House to take a proper view of it. If they did not, he should take the liberty of proposing an address to the Prince Regent for the adoption of some measure to remedy so great and growing an evil. He was sure the feelings and justice of the House would go along with him.

The following is a copy of the said

REPORT.

The Select Committee appointed to consider whether any, and what steps may be necessary to be taken, to give to the Counties of Westmoreland, Cumberland, Northumberland, and Durham, and Town and County of Newcastle-upon-Tyne, the same advantages of Assizes twice in each year, as are now possessed by all the other Counties in England and Wales, and to report their observations thereupon to the House; and to whom the Petition of the Mayor, Sheriffs, Citizens and Commonalty of the City of Norwich; and also the Returns of the Calendars of the Prisoners, and of the Lists of Causes tried at the Assizes for the Counties before-mentioned, were referred;—Have, pursuant to the Order of the House, considered the same accordingly; and have agreed to the following Report:

Your Committee, on referring to the different papers laid before them by order of the House, find, that for several years past, persons charged in the four northern counties with offences, not ordinarily falling under the jurisdiction of the general quarter sessions, have continued in prison previous to their trial for seven, eight and nine months, and in many instances for a longer period of time; and they cannot but direct the immediate attention of the House to so great a failure in the administration of criminal justice.

The return of causes of the respective counties, with the exception of that of Westmorland, mark a large and progressive increase of civil business. In the marshal's paper at Carlisle, for the year 1814, no less than 80 records were delivered, of which four only appear to have been withdrawn; in the year 1815, 61 causes were entered; and the two successive years averaged not less than 50. At Durham, in the year 1816, they amounted to 51; and in 1817, to 54. Northumberland (including the jurisdiction of the town and

county of Newcastle-upon-Tyne) furnished, in 1816, 42 causes; for five of these causes special juries had been summoned, three of them were made remanets, and consequently went over for 12 months; in the following year 32 actions were entered, one only of which was withdrawn. As the returns themselves are in their nature too voluminous for publication, a short but accurate abstract is given in the Appendix.

Such being the actual state of business in these three counties, without a well grounded prospect of diminution, your Committee cannot form to themselves any satisfactory reason why the trial of civil causes should be thus deferred within these districts, and the custom of holding only one assize in the year continued, subjecting the suitors to serious inconvenience, and in some cases, to ruinous expense. The practice of bringing actions in other counties, now often resorted to, where they are transitory, compels the attendance of witnesses carried from a considerable distance, kept at the cost of the respective parties, and probably at last dismissed without a hearing.

It is clear, from the evidence heard before your Committee as to the pressure of civil business at York, that it is now with difficulty gone through, though a greater number of days is allotted in the summer, than was usual in preceding years; and that, of late two judges have presided in the spring circuit; it will be found, that at the close of the last commission at that place, six special and three common jury causes were made remanets, yet the Court was occupied ten, twelve, or fourteen hours during the day.

At Lancaster, to a most heavy calendar, are added in general not less than 180 causes, involving in them, as may naturally be imagined from the site and population of the palatinate, questions of the highest importance, as well on commercial as on other points.

Looking therefore to all the circumstances which accompany this view of the subject, and considering it just, that these counties should not be deprived of those advantages which are possessed by all the counties within the United Empire, your Committee beg leave to recommend, that such measures should be taken as would divide the present northern circuit into two separate circuits, the one comprehending the counties of Westmorland, Lancaster, and Cumberland, and the other including those of York, Northumberland and Durham. No objection could arise, under this arrangement, as to the attendance of an enlightened bar, for with the proposed alteration, there would still remain to each of these divisions as much, if not a larger extent of business, than is generally transacted upon every other circuit in England.

To carry this plan into its full execution, and to give it that weight and authority, which interests of such moment demand, your Committee are of opinion, that the duties which belong to it, should only be intrusted to established judges of the land: whether the present limited number of that highly respected body will permit such an addition of labour, must be left to the farther deliberation of the House; that head of examination not falling, as your Committee apprehended, within the precise limits of their instructions, they did not proceed to any regular course of inquiry which might embrace it, but in looking to the state of the new trials before the court of King's-bench, as connected with the northern counties, it could not escape their observation, that those who now administer the justice of the country have difficulties imposed upon them, which, with all their zeal and activity, they are in some instances unable to surmount.

Your Committee, in adverting to the substance of the petition from the city of Norwich was referred to them by order of the House, are called upon to observe, that the inconvenience there sustained, from the delay of the trial of prisoners, appears to have been so great, that it would be highly expedient, for the sake of public justice, that some remedy should be applied to the evil; and that if it is the pleasure of the House to recommend, in whatever way they shall think best, an augmentation to the present number of the judges, such additional judges might be most usefully and beneficially employed in the respective courts in Westminster-hall, and in the regular tribunals of the country; by this means, an opportunity would be afforded of supplying the defect so loudly complained of on the Norfolk and Midland circuits, viz. of having only one judge on the spring circuit to preside on the civil and criminal trials.

28th April, 1818.

MOTION RESPECTING OFFICERS WIDOWS PENSIONS.] Mr. *Lyttelton*, in submitting his promised motion for an Address to his royal highnes the Prince Regent, for a revocation of the regulation concerning the Pensions of the Widows of Military Officers, professed himself to be in a situation of considerable difficulty, from the late order containing a modification of the regulation it was his object to have recalled. He was well aware that the regulation, in its present mitigated shape, had nothing in it of equity; but he was also aware, that it disarmed the opposition to the original one, of many of its advocates. The modification, notwithstanding, though it might neutralize the class it was meant to relieve, altered nothing of the strict justice of the case. He wished it to be understood, therefore, that he felt it his duty to bring forward the subject, not merely as a question of

generosity, but as one of strict justice; and before he proceeded farther, he must express his regret and surprise, that ministers should think proper to begin the system of rigid economy, which they had so long promised, by an act so shocking to the liberality, the justice, and the gratitude of the country, as the refusal of the small pension to which the relict of a British officer was entitled. After persevering so long in the system of public profusion, was it becoming to make the first instance of departure from that system a violation of the rights of the most interesting class of persons connected with the public service? The question was, not whether the House would be generous to, but whether it would keep faith with, the army? He had no difficulty in declaring, that to continue the regulation would be a breach of the good faith due from the country to her brave defenders. According to the warrant which had been published upon this subject, it appeared, that any officer's wife who had become a widow since the 25th of December last, was not to receive the pension allowed her according to her husband's rank, if she was in possesion of any annuity from government, or any other income equal to double the amount of such pension. Since he had drawn the attention of the House to the subject, a second order had been issued, confining the operation of the rule to cases where the income might be quadruple the pension, and exempting from it the widows of all officers at present married. But this modification was by no means satisfactory. The utmost extent of saving that could be expected from the most rigid enforcement of this illiberal order, was not such as to reconcile the public feeling to its adoption. The total amount of widows' pensions, including Ireland, did not exceed 98,000*l.*, and the sum allowed to each lady was comparatively insignificant. This would be seen upon reference to the scale of pensions; according to which the widow of a general officer received but 120*l.* per annum—the widow of a lieut.-colonel, 80*l.*—of a captain, 50*l.*—of a lieutenant, 40*l.*—and of an ensign, 36*l.* Now the first of these, it appeared from the modified arrangement, if her income from any other sources amounted to 480*l.*, was to have her 120*l.* denied to her. Thus 480*l.* a year was thought too much, by our economic ministers, for the maintenance of a lady of the rank of a general officer's widow. But he would appeal to any generous, considerate mind, whether, in the present state of society and rate of living, a lady of such rank could contrive, upon a less sum, to maintain herself in an appropriate manner? The same appeal he could make with still more force with regard to the widows of all officers of inferior rank. It was with the noble lord, unquestionably, to offer his terms of service in future, as he might think fit, whether handsomely or unhandsomely, to the army. But he must decidedly object to any retrospective view of the subject. On that ground he objected to the application of the principle to unmarried men now in the army; for it must be recollected, that these funds were originally created for the maintenance of officers' widows, by voluntary subscriptions from all the officers, whether married or unmarried. It was, perhaps, not generally known, that from one branch of the service, the artillery, a stoppage was regularly made, in order to create a widows fund. From a captain-commandant, deductions were made to the amount of 13*l.* 13*s.* 9*d.* Besides, in a great many regiments, benefit societies were formed by officers, to secure to their widows, on their own demise, some small pension. Upon what principle of justice, then, could those officers who still continued to make a voluntary subscription for such a fund, be deprived of any right which belonged to it, merely because they were not married at a particular period? How many gentlemen might have had this fund in their contemplation when they entered into the army. The claim to this fund was no doubt a part of the consideration for which gentlemen paid the purchase money of their commission. It was certain, indeed, that all officers conceived the faith of government pledged to them for the fair dispensation of this fund, and it could not be fair to withhold it from any of those who contributed to its creation, or who were entitled to calculate upon its existence. Every gentleman was obviously so entitled who had entered the army previous to the publication of the warrant alluded to. Therefore, if such an order were at all to be acted upon, it should be entirely prospective. It was notorious that many married and unmarried officers, actuated by the noblest motives, contributed from their pay to create a fund for the support of widows by life assurances, as well as by other means. Would it not then be most

unjust that any fund created by such means should negative the claim of an officer's widow to the pension under consideration? If, indeed, that principle were admitted, what an officer saved from his pay, or collected from his self-denials, would be a source of profit to the government. Suppose an inferior officer, now unmarried, were, by frugality, to acquire property to the amount of 1,000*l.* a year, and subsequently marry and leave a widow, might it not fairly be said that he had been labouring all his life to gain what now disqualified his widow from receiving what would otherwise be a debt to her? Thus the meritorious calculation of the officer would be frustrated, and the fair expectation of the lady disappointed through the miserable economy of the government which he served. The argument against applying such a principle to the officers already in the army was, in his view, irresistibly strong. If such a principle were pressed at all, it could only, with any colour of justice, operate towards those who were yet to enter the service; for such persons being aware of the regulation, would not have so much reason to complain. But the regulation as it stood had, ministers might be assured, served to excite strong feelings of surprise and indignation throughout the country. In had, indeed, naturally occasioned an odious contrast between those civil servants of the Crown who basked in court favour, and the relicts of those gallant men who had fought and fallen in the service of their country. The reason originally assigned for this regulation was, that it was recommended by the committee of finance. But at the time this reason was assigned he defied the noble lord to point out such a recommendation of the committee alluded to. The members of that committee were all the friends of the minister. He meant not to speak disrespectfully of any individual among them. They were respectable Tories, but still they were all Tories; and it was not probable they would take steps which would affect their friends in office. Therefore he was not disposed to offer them unqualified homage. He understood that there was a question put by a member of that committee, whether there ought not to be some limitation to widows' pensions, and whether it was proper, for instance, that such a pension should be granted to the duchess of Northumberland? This, no doubt, was an extreme case, and he believed that the exception of such cases was not likely to produce any material saving. But as to the question alluded to, he would ask, whether an interlocutory observation in a committee should be made the ground of a legislative proceeding? The finance committee had not recommended the measure to which he objected, and therefore to quote their authority was inaccurate. Upon what ground the proposition of rendering this order, if it were to exist, entirely prospective, could be resisted on the other side, he was at a loss to divine. Those who were so tenacious in their arrangements about sinecures—that those arrangements should be solely prospective—that the present holders should not be affected—that vested rights should not be disturbed—could not surely attempt, with any degree of grace, to press a different principle with respect to the rights of those who were the relicts of our gallant defenders. It would be less becoming in the noble lord to do so, than perhaps any other person; for, when a proposition was made with respect to the Chelsea pensions, the noble lord distinctly maintained, that no steps could be justly taken for the reduction of the pension of any one at present in the army, whatever might be done towards those who should enlist hereafter, because the former had entered into the service with the knowledge of their right to participate of the present rate of pensions. Hence the noble lord argued, that any project upon this subject must be entirely prospective. —Why not apply this principle to the case of the widows' pensions? But then it was recommended for the purpose of equalizing the two services of the army and navy. Strange mode of equalizing! The navy had long complained of the severity imposed by these limitations; and therefore, under the pretext of equalizing the two services, the noble lord meditates, by the operation of this warrant, to pass the grievances of the navy to the army—and this was called equality? It might, however, be said, that some limitation ought to be put to these pensions. In his judgment there should be none; a discretion certainly should exist—but he objected to the decided principle which said, "under this or under that circumstance, no relief shall be afforded." After a war of such duration, when the military establishment of the country had been so much increased, the whole sum of these

pensions to the widows of gallant men did not exceed 98,000*l.* Allowing these limitations to be persevered in, what amount of saving did the noble lord calculate? Not 20,000*l.* Was it wise to gall the feelings of the British army for such a sum as that? It might be an opinion with some that the army was overpaid—overpaid he meant in relation to the resources of the state, but surely this, which was a good reason for a smaller army, could be no reason for distressing the widows of deceased officers, and wounding the feelings of the survivors. Why, the very grant which the ministers of the crown proposed for a royal duke, but which, from the virtue of their Tory friends, was luckily checked and destroyed in the bud, would have amounted to the whole sum which, even under its greatest operation, the country could gain from these pitiful savings from the widows' fund. Let them look to the grant made to general officers in 1814—no less a sum than 176,935*l.*—and yet they would take from the poor widows the mite to which the services of their husbands entitled them. He objected to the first part of the regulation, because it was a mockery. The Prince Regent said—"Any widow who has another pension—or a situation to a certain amount—shall not be entitled to relief." Why, it was in the power of the Prince Regent's confidential advisers to prevent any of them from having pensions or situations of this kind. But let the House observe how unfairly rewards were apportioned. The grant to lady Gillespie was more than three times greater than the sum the receipt of which would disqualify any officer's widow from claiming the ordinary bounty. The principle on which these limitations rested was wholly unknown in every other branch of the state, save in the navy. What, then, was the fair inference?—It was this, that it should be abolished where it existed, in place of being extended from the navy to the army. It was not in their injustice alone that these proposed limitations were objectionable. They were injurious to the moral feelings, and most likely to lead to the encouragement of deception and perjury. They told the British officer, that should he be industrious and prudent, disinterested and affectionate, he forfeited all claim for his widow to share in the royal bounty, in consequence of the effects of such virtues. They were a tax on frugality, disinterestedness, and conjugal affection. But would the evil even terminate there? Was it to be supposed, that in order to avail themselves of the pension, some evasion, nay, even perjury, would be resorted to, in order to bring the applicant within the scope of these limitations. The temptation to perjury and evasion was rendered very strong in the case of a helpless woman, incumbered perhaps with a large family, when by stating her actual means to be within the limitation prescribed, a pension might be obtained. Instances of this kind had occurred in the navy, and were the natural result of such a principle. Was it not probable that officers would leave the money for their families in trust, and of course exposed to all the insecurity of such a disposition? He knew not with whom this measure originated. It did not, he was firmly persuaded, originate at the Horse Guards, nor in the War-office. No military man would have suggested such a thought, still less the illustrious and highly meritorious prince who at present presided over the interests of the army. It was not difficult to conceive that the opinion of that illustrious person might be opposed on such a subject by his majesty's ministers, as a sort of proof how independent they were of royal influence. He doubted whether the noble lord, the secretary at war, had concurred in the propriety of its adoption; but, in other times, such a circumstance would have led to his resignation. The pretence of economy made but a bad appearance, when it was found that in no other respect was public economy consulted, and that no retrenchments were effected, where they were most loudly called for. He felt confident, that not only the feelings of the army, but the sense of the public was opposed to the regulation; with regard to which, therefore, he should accept no compromise, but move for its total and unconditional revocation. The hon. gentleman concluded with moving,

"That an humble Address be presented to his royal highness the Prince Regent, humbly setting forth, that this House, being informed that his Royal Highness has been advised to issue the following warrant, viz.

"'George *P. R.*—By his royal high-'ness the Prince Regent, in the name and 'on the behalf of his majesty: Whereas 'we have deemed it expedient to revise 'the rules and regulations under which 'pensions are now granted to the widows

'of commissioned officers of our land 'forces, and to confine such pensions to 'those applicants who shall appear, from 'the state of their pecuniary circum- 'stances, to be proper objects of our royal 'bounty; it is our will and pleasure, and 'we do hereby order and direct, in the 'name and on the behalf of his majesty, 'that no pension shall be hereafter granted 'to the widow of any commissioned officer 'of the land forces dying subsequently to 'the 25th of December last, who shall 'have any other pension from govern- 'ment, or whose annual income otherwise 'arising shall amount to double the rate 'of pension assigned to the rank of her 'deceased husband. Given at our court 'at Carlton-house, this 17th day of Fe- 'bruary 1818, in the fifty-eighth year of 'his majesty's reign. By command of his 'royal highness the Prince Regent, in the 'name and on the behalf of his majesty.

'(Signed) PALMERSTON.'

"This House doth humbly represent to his Royal Highness, that the pensions heretofore regularly allowed to the widows of the officers of his majesty's land forces, have never, within the memory of the oldest officer in his majesty's service, been practically subject to any such conditions as those expressed in the said warrant, and have been relied upon accordingly by the said officers as a certain and unconditional provision for their widows; in consequence of which, many marriages have been contracted, and settlements made, in which the said pensions were calculated upon by all the parties concerned, which parties will be irremediably wronged, and several of them grievously distressed by the operation of the said warrant:

"That the sale of commissions being officially permitted in the army, such transactions have been exceedingly numerous, in all of which the unconditional pensions have been taken into account, and it is morally impossible that the purchasers should ever be indemnified for the loss they will have sustained on the difference between the price given for their commissions, and their value as reduced by the said warrant:

"That many officers have laid out considerable sums in life-insurances for the advantage of their widows; and that, likewise, in many corps, funds have been raised, by subscriptions among the officers thereof, for the purpose of securing to the widows of the officers of such corps certain small annuities, the benefit of which life-insurances and annuities will in many instances be wholly lost to the said widows if the said warrant shall take effect:

"And that this House, though deeply sensible of the necessity of curtailing the national expenses at the present crisis, is yet humbly of opinion, that unless all other means of retrenchment are totally exhausted, it is no less irreconcileable with the justice, than unworthy of the generosity and humanity of the state, to restrict, by any conditions whatever, grants of such small amount, to persons peculiarly helpless, which grants have been nobly and dearly earned by the valour and conduct of the leaders of his majesty's intrepid and victorious troops:

"That this House, therefore, doth humbly intreat his Royal Highness to cause the said warrant to be forthwith entirely revoked, cancelled, and annulled."

General *Dalrymple* said, he rose with sincere pleasure to second the motion of his hon. friend. The measure was not founded upon any sufficient grounds, at least not upon any known to him. It was recommended neither in the report of the last Finance Committee, nor of any that preceded it. He had, independently of his own experience, consulted with many officers of the army on the subject, some of whom had passed fifty years in the service, and who all declared, that they were bred up in the expectation of not only looking to the liberality of their sovereign and country for an adequate pay, but that their widows were also entitled to a pension on their decease. He should therefore put it to the House to say, whether, for the trifling expected saving that could arise from these restrictions, they would impair that sense of gratitude which the army uniformly felt for the extension of its bounty? It was to be recollected that the commissions of officers were often purchased by their own property. When they died these commissions reverted to the Crown, leaving nothing to the family of the deceased but the pension. On the faith of these pensions matrimonial engagements were frequently formed, and when an officer received the fortune of a lady, the prospect of even such a provision, in case of death, had its value. He found that, by the 21st of Charles 2nd pensions were first granted to officers' widows. At that period 3,000*l.* was devoted to this laudable purpose. In 1647,

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when the army was to be disbanded, an order was made for the provision of soldiers' widows, and of maimed soldiers. In 1716, a special provision was made for the widows of officers. He had to thank his noble friend, the secretary at war, for a copy of the warrant of queen Anne, issued in 1708, by which a limitation was first put to the extension of the widows pensions, by making it compulsory on the applicants to make oath that they had not without them a sufficient competency. The warrant of queen Anne, regulating the amount of her bounty to be allowed to officers who had served in Spain, Portugal, and France, provided "that all widows of officers laying claim to the same, should be required to show that they had no pension, allowance, or other provision from the Crown, nor any sufficient or reasonable maintenance left them by their late husbands." This regulation had been made more than a hundred years ago, for the widows of officers who had served in Spain, Portugal, &c. No mention was made of the widows of those who had served in Flanders, but it was not to be supposed that at that period, four years after the battle of Blenheim, they were forgotten. They could not have been less provided for; possibly a better provision was made for them. Yet this warrant was never brought into operation; it remained on the shelf in the archives of the office until now, after a period of one hundred years, it was about to be revived. In 1717, another warrant was issued by George 1st on the subject of pensions. It related to the army in general, and upon this footing the matter remained until 1763. It was then established, that officers widows should have no other provision but their pension in England or Ireland. No mention, however, was made of a provision from their husbands, and it was clearly omitted on purpose. Previous to Mr. Burke's bill, there were cases of pension so strong, and so much the subject of complaint, as to be quoted even at the present day; but no regulation was deemed expedient until now, with respect to such as were granted to officers' widows. The fact was, that no officer's widow has ever been called upon to give an account of her circumstances, the expectation of receiving her pension unrestricted had been justified by the uninterrupted dependence on the royal bounty, and under such circumstances could the House be surprised to find the British army rely on its continuance? It was not until when in the enthusiasm of recent triumphs, the liberality of the sovereign and the country had been so extensively conferred on the army, that any disposition was manifested to interfere with these pensions—but was there no way of repairing the extravagance of national gratitude, but by an inroad on the small provision of the defenceless widows of the deceased officers? He was as ready as any man to subscribe to the country's demand for economy and retrenchment, but he could not admit that the proposed measure had any claim to that character. It was a vexatious test to put to those who really had claims, particularly when every other class of pensioners received their allowances, whether earned or not, without any limitation whatsoever. He entreated the House to consider this question on its own intrinsic merits, and without any comparative reference to the naval service. Such comparisons were always invidious. The House would, however, bear in mind, that the commissions in the army were objects of purchase, which was not the case with commissions in the navy. A committee had been appointed by the House to inquire into the revenue, to examine and to see what retrenchment might be made, consistently with the necessities of the public service, and with the honour of the country. No regulation of widows pensions was recommended, or even mentioned, by the committee in their report. No. 18 of that report related to county warrants, No. 19 contained a recommendation of moderation in granting pensions, but it evidently did not apply to those of officers widows; otherwise it would appear that the committee had not touched upon the threshold of economy until they came to the subject of widows pensions. It was strange that when by a county warrant, the relatives of officers, provided they could obtain the sanction of ministers, could obtain any sum from the royal bounty, those restrictions should be interposed between the widow and her pension. Surely when the gallant and heroic exploits of the army had raised their own and their country's character to the highest pitch of national glory, the sovereign might have been spared the mortification of being obliged to issue an order that went to limit those grants of bounty which had come down unrestricted from his royal ancestors, and for which

the liberality of parliament had annually provided, without the slightest dissent.

Mr. *John Smith* supported the motion. The warrant appeared to him unintelligible, or, if he understood the meaning rightly, it contained a gross injustice. He believed the officers of the corps of horse artillery and other military bodies, had actually appropriated part of their pay to the formation of a widow's fund. Would it not, he asked, be most unjust, if the widows of the persons who had thus sacrificed their pay to this benevolent purpose, were told, because their deceased husbands had made a provision for them, coming within the scope of the regulation, that they had therefore no claim on the bounty of the country? His attention had been directed for several years to the general condition and circumstances of officers widows, who he thought had a peculiar claim upon the sympathy of the country, being in many instances women of rank and education, and being frequently left by their husbands in a very deplorable condition. The considerations of a moral nature which had been alluded to were also deserving of attention.

Mr. *Frankland Lewis* said, though there was nothing in the report of the finance committee on this subject, yet hon. gentlemen were not therefore to suppose that it had escaped the attention of that committee. There was much conversation in the committee about it; and it was well known that a serious misunderstanding existed between the army and the navy upon it, which had given birth to many pamphlets. The words of the act were the same, but they were differently applied to each service. No class of men deserved better of their country than the navy. It was therefore the duty of the committee to inquire upon what this difference was grounded between the two services—and, on examination, they found, that pensions were granted in the navy only where a specific case of necessity appeared—but that, in the army, the applicant was not bound to prove that any necessity existed. They felt it proper, therefore, that something should be done to remove the constant heart-burning that existed between the two services. The committee having proceeded thus far, left it to government to make any alteration that might be considered proper—and, certainly, if no alteration had been made, they would have reconsidered and fully investigated the subject.

Lord *Palmerston* observed, that the present regulation was one of considerable modification. The original warrant stated that those widows who derived from other sources an income twice as great as the pension, should not be entitled to it; it was now proposed that it should be withheld only from those who had an income four times as great; and that this regulation should not be applicable to the widows of officers who were not married at the time it was issued. This got rid of one of the greatest objections urged against the regulation; and those who married hereafter, knowing this regulation to exist, could not complain of any breach of faith. With respect to the two corps of artillery and engineers, which had been mentioned, it should be recollected, that they were under the control of the board of ordnance, who would deal with them as circumstances warranted. His hon. and gallant friend behind him had shown, that from the earliest periods, a discretionary power had been exercised in granting these pensions. At one time it was required that the widow should show she was unable to maintain herself without assistance. At another time the colonel of the regiment to which the deceased officer had belonged, or some other responsible person, was instructed to make a report to the secretary at war respecting the claims of his widow. It was clear, therefore, that the principle of exercising a discretionary power on the subject had always existed, although of late years it had not been carried into practice. With respect to the contributions alluded to by the hon. gentleman, they could in no case amount to such a sum as would purchase an annuity large enough to debar the widow from the receipt of her pension. The question as to where this regulation had originated had been answered by the hon. gentleman who spoke last. Though the finance committee had not mentioned the subject in their report, yet it was with them that it originated. The case of lady Gillespie had been mentioned. The allowance to that lady was granted on account of her husband having been killed in action. It was said that the measure was inconsistent with the terms of the letter set forth in the finance report. But inasmuch as the increased allowance only extended to marriages subsequent to the date of the warrant, it could not affect any thing done previously to that time. One ground on which the issuing of the

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warrant under consideration was recommended was, the equalization of the two services—the army and the navy. For this purpose the regulations respecting the widows of naval officers were relaxed in order to place them on an equal footing with the widows of officers of the army, and he believed that on that very day an order had been issued extending the amount of income derived from other sources which should bar the widow from receiving a pension to four times the amount of that pension. Some limit it had always been found necessary to adopt, although, undoubtedly, whatever that limit was, there might always be certain cases of considerable hardship which it did not comprehend. There were many cases in which it was extremely painful to be under the necessity of withholding aid. Where, for instance, the sister, or the relative, not the wife of a deceased officer, had been supported by him during his life, it was certainly very painful to be obliged to refuse any farther benefit. It was very distressing to the Crown, and to the servants of the Crown, to be compelled to have recourse on these subjects to strict and confined regulations. But for these regulations that House and not the Crown was responsible. They had been forced on the Crown by the tone adopted in that House on the subject of military expenditure, as well as by the recommendations contained in the report of the committee of finance. The new regulation was in strict consonance with the spirit of the order of 1708; and, under all the circumstances of the case, he could not help considering the motion of the hon. gentleman as entirely uncalled for.

Colonel *Stanhope* contended, that instead of meting out the dole of charity to the widows of our brave officers, and making them almost sue *in formâ pauperis* for the means of subsistence, it would be much more consonant to the character of a great country, which had been so gallantly defended by the two services, and raised by their united exertions to the elevated rank which she held among the nations of Europe, to give it to them as the just reward of the past services of their husbands. Such bounty would be twice blessed—it would bless those who gave as well as those who received. So accorded, even half the present allowance would be received with pride and satisfaction. He was speaking for both services. He confessed that he had professional partialities; but at the same time he certainly believed that the navy was the more important branch—that it was the strong right arm of the country. Nevertheless, it appeared to him to be impossible to assimilate the two services, on the point under consideration. The system of purchasing in the army, was of itself enough to put it on a footing different from that of the navy. He denied that this was a question of just economy. —No man could feel more strongly than himself how necessary economy was to the country. But there was a real and a false economy. Niggardliness, under the name of economy, did essential injury to a state, and compromised its best interests.—True economy would retrench the luxuries of the rich, but would never condescend to contaminate itself with the crumbs that fell from the tables of the poor.

Mr. *Croker* said, that originally the fund out of which the widows of the officers of the navy received their pensions was not furnished by the public, but was formed by contributions deducted from the pay of all classes of the navy; to which was added (which was still continued), a sum obtained by a regulation similar to that stated by the honourable general near him, whose speech had done him so much honour, as existing in the army. In every hundred men there was one man called a widow's man—a fictitious man. The fact certainly was, that of every hundred men borne on the books of the navy, but ninety-nine were effective seamen: the hundredth was a fictitious man, called a widow's man, the amount of whose pay and allowances went to the fund for the payment of widow's pensions. A discretion had always existed on this subject. In the first instance it was confided to a corporation composed of naval officers. This corporation were empowered so to divide the fund appropriated to this purpose, that those widows who wanted it the most, derived the greatest benefit from the charity. He heard an hon. member echo the word "charity;" but as that was the term used in the charter of George 1st he might be allowed to use it. The first limitation that existed on the subject was, that no widow should receive a pension who had any other means equal in annual produce to that pension. Notwithstanding that limitation, the fund was so small that in several instances the naval corpo-

ration were obliged to diminish the amount of the pensions in general. He believed that some kind of similar regulations attached at that period to the army; with this exception, that the Crown kept in its own breast the discretion to decide on each individual case as it occurred. When by Mr. Burke's bill the fund was destroyed, and the pensions came to be charged on the navy estimates, the limitation until that period existing was no longer necessary. Of late years the army had stood on a footing different from the navy in this respect. One cause of this difference had already been stated—the purchase of commissions. Another cause which had not yet been mentioned was much more operative, and certainly placed the army in a much worse situation than the navy. It was this:—When an officer of the navy died, whether he was at the time on full or on half pay, his widow became entitled to a pension. That was not the case in the army. Formerly the widow of no officer in the army who died while on half pay, was entitled to a pension; but by a regulation in 1806, it was ordered that the widows of officers who had served since 1793, should receive pensions, although their husbands had died while on half pay. When it was considered that half, if not three-fourths, of the officers of the navy married when they were on half pay, the prodigious advantage which the navy derived from this difference would be very manifest. The House would understand what an increase of pensions must arise in the navy on that account. Under these circumstances he entertained great doubt whether a real assimilation could exist between the two services. At the same time he was willing to admit, that it was a very complicated subject, and one which merited some inquiry; and he owned that he should be glad to see, either by the investigation of the finance committee, or some other means, what could be done in both services. One of the most forcible arguments which he had heard was, that the army and navy were not in the same situation; the army paid for promotion; the navy did not pay for it. Now, he thought there should be some inquiry, whether it should be abolished in both services, or in one service, or not at all.

Mr. *Calcraft* warmly reprobated the declaration of the noble secretary at war, that that House was answerable for the regulations which had taken place on this subject. This was a most extraordinary assertion. Because that House thought it their duty to press a reduction of our military establishment—because it strongly recommended economy in the details and appointments of the army, the noble lord chose to assert that they were answerable for regulations of this sort, emanating from the Prince Regent, and over which the House had no control. The noble lord ought to recollect, that it was to too expensive military establishments that objections had been urged. Did the noble lord ever hear him (Mr. Calcraft), or any of those who thought with him, that our military establishment ought to be reduced, recommend a more niggardly provision either for wounded soldiers or for the widows of officers? In any speech which he had made, he defied the noble lord to point out a single sentence to that effect. On the contrary, he was one who stood up in defence of the regulations introduced by his lamented friend, Mr. Windham, for rendering soldiers more comfortable after certain periods of service, nothing being farther from his opinion than that any paltry economy should be exhibited in cases which were fit for the exercise of the royal bounty. It was not to be endured that gentlemen who, by the reduction of a battalion of foot or a regiment of cavalry, might save a sum three times as large as was necessary for the required purpose, should turn round and say "You, the House of Commons, are responsible for these regulations, because you wished for a small peace establishment." Nothing could be more flimsy than this argument, and he was persuaded that it would be properly appreciated by the House and the country. With respect to the system pursued in regard to the widows of the officers of the navy he would say nothing. The two services were unquestionably on a very different footing. They were alike in nothing but in the glory which they had achieved for their country, and in the claims which they possessed to the national gratitude. To those who were maimed in our service, and to the widows of those who fell in our cause, we ought to show a just and wise liberality. Economy in other respects would enable us to do so; and it was for this, among many reasons, that he had so often and so strongly urged the necessity of economy. It appeared from what had fallen from the noble secretary at war, that the new regulation was to be inopera-

tive on those widows who had been married at the time of its adoption. He could not see on what principle of justice it was to be applied to the widows of those officers who were single at that period. Those officers had purchased their commissions on the faith of having their widows provided for, should they marry and die before their wives. The same motive that influenced government to do justice to half the army, ought to induce them to do justice to the whole. No argument whatever had been advanced in support of a perseverance in the new system. The futility of that derived from considerations of economy, he trusted he had sufficiently shown. The noble lord who so lately thought the resources of the country were in a state to furnish fifty or a hundred thousand a year to princes, could surely not maintain that they were incompetent to furnish twenty thousand a year to the widows of our brave officers. He trusted parliament would take care that when these gallant men went into the field to risk their lives in the cause of the state, they should do so with the full confidence that their services would not be unheeded, and that if they should fall in opposing the enemies of their country, that country would have sufficient gratitude to provide for the comfort of those left unprotected by the patriotic self-devotion of men, but for whose valour and the sacrifice of whose lives there would now have been no free senate in this metropolis discussing the nature of their hapless widows claims. If the warrant now complained of was rescinded, he would undertake to show, tomorrow, five hundred ways in which the money might be saved.

Mr. *Wilberforce* could not help encouraging the hope, that the noble lord would find himself compelled to accede to the motion. The question had been argued with such ability by those hon. members who were professionally conversant with it, that it was wholly unnecessary for any one else to add a single word upon it. He could not avoid, however, observing, with respect to the noble lord's declaration that the whole House were implicated in the regulations under discussion, because they had recommended the adoption of economy by government, that it was an unjust, unwise, and unkind remark. He wished particularly to press on the attention of government and the House, the propriety of increasing by all means the bonds which drew the soldier still more closely to his country; and taught him he had to perform the duties of a husband and a parent, as well as to listen to those more alluring calls of a profession which, while it stimulated him to deeds of desperate valour and lofty ambition, not unfrequently seduced into the paths of voluptuousness and immoral gratification. It was certainly desirable to hold out every inducement to our officers to form such connections as would give them domestic habits, which were the vital principles of human happiness. A just discrimination ought to be exhibited between that constitutional jealousy which it was the duty of the House of Commons to entertain towards the army at large, and that mean jealousy which would show itself in diminishing the comforts of the individuals of whom it was composed. He was anxious that every thing should be done for both services which it was in the power of the country to do; for they had claims on the national gratitude which it would be impossible ever to satisfy; and, therefore, he could not but hope, that the noble secretary would, instead of looking whether there was any difference between them, accede to such measures as would tend to reward their exertions. We should give them as much as we could afford to give, and he firmly believed that the resources of the country were not in so utterly ruined a state, as to require the measure which it was the object of his hon. friend's motion to rescind.

The *Chancellor of the Exchequer* said, that the regulation in question was a part of that system of economy, adopted in pursuance of the recommendation of parliament. The right hon. gentleman here entered into a detailed history of the limitations which at various periods had taken place; and in conclusion observed, that if it should appear to be the pleasure of parliament to extend the regulation in question, he was persuaded that it would be very pleasing to the Crown to comply with that wish [hear, hear!]. At the same time, he could not avoid saying that it would be extremely inconvenient to urge on the Crown propositions in the way in which they were introduced in the address moved by the hon. gentleman, which address, also, he could not help thinking too peremptory and dictatorial in its tone. Collecting that there was a strong feeling in the House in favour of abrogating the existing regulation, he recommended the hon. gentleman, with a

view to facilitate the adoption of such a step, to withdraw his motion [loud cries of hear, hear!].

Mr. *Lyttelton* declared that he had never heard the right hon. gentleman utter any thing which gave him so much pleasure as the few words which had just fallen from him. In consideration of that pleasure, he would forbear from animadverting on some things which had been alleged in the course of the debate; being anxious to confirm the right hon. gentleman in his resolution to accord what he considered the just claims of the army. Before he withdrew his motion, however, he was desirous of understanding more distinctly the right hon. gentleman's views with respect to any further proceeding on the subject.

The *Chancellor of the Exchequer* said, that he thought the measure would come with a better grace directly from the Crown.

Mr. *Lyttelton* declared his readiness, if the right hon. gentleman would engage to advise the Crown to rescind the regulation in question, to withdraw his motion.

The *Chancellor of the Exchequer* expressed his willingness to represent to the Crown, what appeared to him to be the sense of parliament on the subject.

Mr. Lyttelton then, with leave of the House, withdrew his motion.

HOUSE OF LORDS.

Wednesday, April 29.

Officers Widows Pensions.] The Marquis of *Lansdowne* moved the printing of the returns presented yesterday, respecting the Pensions of the Widows of military officers. His lordship said, that after what had passed upon this subject out of that House, he did not intend to trouble their lordships with any motion respecting these pensions. He understood, that, in consequence of the general feeling upon the subject, the warrant to which he had lately alluded respecting these pensions, and which took effect in December last, was to be wholly rescinded, and that the widows of officers were to be entitled to their pensions as heretofore. He rejoiced at this determination, being satisfied that any saving that could have been made by the proposed regulation, would have been a very paltry economy, and that the general feeling was decidedly in favour of the allowing these widows their pensions, as had hitherto been the practice; he was at the same time of opinion, that it was much better, under these circumstances, that the proposed boon should be derived from the Crown than in any other way.—Whilst upon this subject, he felt himself called upon to notice a regulation in the navy, of which he was not till lately aware. A deduction was made from the pay of naval officers of 3*d.* per day, which formed part of the fund for the pensions of their widows. Those widows, however, at the time of claiming their pensions (except those on the compassionate list), were obliged to swear that they were single, and the condition of receiving their pensions, was that they should remain single. He could discover no reason why this difference should exist, nor why marriage on the part of these widows should be deemed a crime; it being clear, that they might marry very respectably and very properly, though without adding materially to their incomes. This regulation did not apply to the widows of military officers, whose subsequent marriage did not affect their pensions, and he was utterly at a loss to conceive why it should continue applicable to the widows of naval officers.

The Earl of *Liverpool* said, that in consequence of the feeling that had been manifested upon this question, the subject would be re-considered, with a view to adopt regulations that should be more generally satisfactory. He could not, however, give up his opinion that it was highly desirable to assimilate the naval and military services with regard to the pensions granted to the widows of officers; and he, therefore, thought that whatever was granted to the widows of military officers ought also to be conferred on the widows of officers in the navy. Nor could he agree in an argument that had been urged, that the purchase of commissions by military officers, gave their widows any preferable right. The fact, was, that with reference to political reasons, the allowing officers to purchase commissions might be considered to be for the good of the service; but with regard to them individually, the allowing them so to purchase was a boon conferred upon them. He could not agree, therefore, that it gave them any additional rights compared with the officers of the navy, or of the ordnance. With regard to what had been said as to allowing widows their pensions, notwithstanding any subsequent marriage,

he entirely agreed upon this point with the noble marquis.

The Earl of *Rosslyn* said, he had not argued on a former occasion, nor did he now mean in the slightest degree to argue, that the purchase of commissions by officers in the army ought to give them any advantage over the naval service: all he meant to contend was, that by the purchase they acquired a claim, in consideration of the contribution of a part of their pay, to a liberal dealing with regard to the pensions to their widows.

Lord *Melville* said, that with regard to the contribution by naval officers, of 3*d.* per day, the amount so contributed bore no proportion to what would be required as an insurance to secure to their widows the pension granted to them under the existing regulations; the former only amounting to about 3*l.* per annum, whilst the insurance to secure an annuity to the widow, equivalent to the pension, would be 45*l.* per annum. He did not urge this, however, as being in the slightest degree an objection to the widows' pensions; on the contrary, he entirely agreed with the noble marquis, that the pensions ought to be continued as in the case of the widows of officers in the army, notwithstanding any subsequent marriage. As to distinctions in the services, he thought it utterly inconsistent that any such should exist.

The papers were ordered to be printed.

HOUSE OF COMMONS.

Wednesday, April 29.

Irish Grand Jury Presentments Bill.] Mr. *C. Butler* rose to move for leave to bring in a bill for the more public and deliberate investigation of Grand Jury Presentments in Ireland. The hon. gentleman stated, that, in making this motion, it was not his intention to interfere with any measure which it might be the intention of a right hon. gentleman absent (Mr. Vesey Fitzgerald) to introduce, but merely to render it necessary that the House should consider some measure of this description during the present session. That there existed some necessity to place a more effectual control on the disposal of public money in local grants in Ireland was admitted, and what remained to be done was to adopt local or baronial arrangements, by which the public expenditure would be properly directed and applied. The hon. gentleman then moved for leave to bring in a bill to carry this purpose into effect.

Mr. *Cooper* alluded to the measures which had been already taken on several occasions to ameliorate the practice and mode of doing the business of the grand juries in Ireland, according to the laws under which these bodies acted. He had himself been chiefly instrumental in the years 1812 and 1813 in bringing this subject under the consideration of the House. In the former year, his proposition was carried; in the latter, in consequence of the introduction of an amendment in the House of Lords, the bill, being a money question, was necessarily abandoned. But the attention of the House being drawn to the subject a great result followed, and through the exertions of a most distinguished man, now unfortunately no more (Mr. Horner), that essential measure was carried which placed grand juries in Ireland on the same footing as those of England, namely, admitting them to receive *vivâ voce* evidence, instead of being, as was the case before, restricted to written informations. This act had been most beneficial in its operation, and it was his intention to have recommended farther measures, one of which he last session willingly relinquished to a right hon. gentleman not now in his place.

Sir *J. Newport* observed, that when a certain return which had been ordered was laid before the House, it would be seen, that the abuses of the Irish grand jury system had rather aggravated than abated since the subject was brought before the public through the proceedings of parliament. According, indeed, to his information, and he had reason to believe it, those who had the power, through this abominable system, to exact from the tenantry of Ireland, had only become more rapacious as the termination of their power appeared to approach. But it was impossible that such a system of depredation and abuse could be much longer tolerated. The whole of this depredation and abuse fell upon the occupying tenants, who were of late subjected to a degree of taxation not at all in the contemplation of the original grand jury system. That system was confined to presentments for roads and bridges; but of late, grand juries imposed taxes for the maintenance of infirmaries, dispensaries, and fever hospitals, &c. The support of hospitals was, however, become indispensable, especially

of late. But all the expence was charged upon the occupying tenants, while the great landlords, who lived in this country, and drew their revenues from Ireland, contributed nothing. Many of those landlords, and some of them the most affluent of the absentees, had actually refused to contribute any thing to the maintenance of the fever hospitals in Ireland, notwithstanding the notorious prevalence of a contagious disease in that country for some time back. The House must hear of such a fact with surprise. The generous people of England would hear of it with horror; and what must be the feeling which it would excite among the people of Ireland, he need not describe [Hear, hear!]. The resident gentlemen of Ireland had done all in their power to mitigate the calamity which afflicted their poor countrymen; but what must they think of the insensibility of the wealthy landlords to whom he alluded? He mentioned the conduct of those landlords thus freely, and gave it so much publicity, in the hope that such publicity might, by exciting some sentiment of shame, produce a disposition to remorse and atonement.

Mr. *Croker* agreed in the necessity of amending the grand jury system in Ireland, but yet he submitted to the gentlemen who undertook the task, whether it were not better to proceed step by step in such a course. The system was too wide and complicated to be swept away by a cut and dry measure of this kind. The edifice, they all agreed, wanted repair; but instead of being thrown down as a whole, the repairs should be gradually and successively applied. They would then avoid that sort of precipitate legislation into which they had fallen not a long time past, where the first act of one session was to repeal the last of the preceding one. A gradual course would be found more practically effective; and this mode of proceeding had the concurrence of that distinguished individual, whose loss every good man deplored (Mr. Ponsonby), and who was in fact taken from them on the night that a measure of this kind was under consideration. The plan of gradual amelioration had the sanction of the lamented individual to whom he had alluded, and no man was a better judge of the propriety of proceeding in this respect. He who wished to go safely and surely through the business, must adopt a gradual and practical course. The hon. gentleman concluded by pointing out the propriety of some measure which would leave the grand jury presentments from one assizes to the next, for the purpose of admitting intermediate inquiry into the proposed works.

Sir *F. Flood* was glad that something was likely to be done this session for Ireland—a country that could not bear the heavy charges entailed upon her local arrangements. He particularly condemned the arrangements proposed, but not carried into effect, in the case of the thirty-five civil engineers, who were to guard, to overlook, and control the business of the grand juries. This unjustifiable mode of control was found so absurd and impracticable, that it became necessary, when parliament re-assembled, immediately to suspend it. He expressed his readiness to support any measure which went to ameliorate and improve the machinery of the grand jury system, without at the same time going to its total subversion.

Sir *C. Monck* regretted that the laws of Ireland were not more closely assimilated to those of England, now that both countries were united; at least so far as the assimilation could be made consistently with local arrangements. He thought, for instance, it would be desirable that the spirit and system of both should be made to correspond, by the enactment of some standing order, which would render it imperative upon any member introducing a new measure at variance with this principle, first to show a sufficient reason for departing from this salutary course, and admitting the distinction in the particular case. He particularly regretted the difference there seemed to be in the structure of grand juries in England and Ireland: in the latter they formed a sort of provincial parliaments, exercising the power of levying money as they pleased; while, in the former, they were the grand inquest of the county, detecting and preventing abuses where they were found to exist, and acting under the eye of judicial authorities. Grand juries were the last of all bodies who should have the power of levying money for public purposes. Their very constitution was an objection to their having this power. The sheriff nominated the grand jury, and was himself the nominee of the Crown. Besides, the grand jury consisted of a limited number; enough perhaps, in some cases, for obtaining and exercising local information,

but not so in others, where a greater variety of attentive duties should be performed. If they were to have this power, instead of emanating from the Crown, the grand juries should be elective. Those whom they have the power to tax should have some share in the election of those who were to enact the impost, or else the two duties of taxing and correcting abuses should be kept wholly distinct, and a different body appointed to execute them. He was for a gradual amelioration of the system. When grievances became complicated and of long standing, a gradual abolition was perhaps the surer way of remedying the evil, a sweeping course often did more harm than good. All agreed that the edifice was ill constructed, and the only question was, how it should be pulled down.

Mr. *Parnell*, in allusion to the sums expended in making roads, thought that where these improvements were wanted, the levying of money to carry them into effect was a local advantage, and immediately repaid the original expenditure. He concurred in the propriety of proceeding gradually and effectively in the progress of this subject.

Mr. *Chichester* expressed his satisfaction at what had fallen from the hon. member for Northumberland, when he stated his wish, that all legislative measures for Ireland should be considered by the House, not as mere local questions, but that they should in all cases be framed in the same spirit, and with the same principle, which pervaded the laws of Great Britain. He could not, however, agree with him in his general remarks, with respect to the powers which had for so many years been vested in grand juries, of local taxation for county purposes. The money so levied returned to the districts from whence it had been received, and the works directed by the grand juries, by affording labour and occupation to the poor, contributed greatly to their benefit and support. He was not aware of any discontent existing in those counties with which he was immediately acquainted, from the exercise of those powers, which he trusted might be so regulated and guarded by the proposed bill, as to be in every respect unobjectionable.

Leave was given to bring in the bill.

Loan Bill.] On the order of the day for going into a committee on the Loan Bill,

Mr. *Grenfell* observed, that although he had not had the opportunity, when the measure was discussed, to proceed at length into the detail of his opinions, he begged now to state, that his objections to the plan remained unchanged. He could neither congratulate the right hon. gentleman nor the country on the merits of the financial arrangement which he had concluded. His principal object in rising then was, to give notice of his intention to move in the committee, that the clause granting to the Bank of England the sum of 20*d.* on every 100*l.* of the loan for three millions, and of 10*d.* on every 100*l.* of the twenty-seven millions of exchequer bills, be wholly expunged from the bill. He should then prove to the committee, that no adequate service was performed by the Bank, which could in justice entitle them to such a remuneration; but that, trifling as it was, it ought, with reference to the other very large sums paid by the country to the Bank, to be performed gratuitously. When the finance committee was appointed, he, in common with many other gentlemen, expected that the transactions between the government and the Bank would be fully investigated. In that hope, at least for a time, he had been disappointed. The consequence was, that he was actually forced, as occasions presented themselves, to take up the subject by piece-meal. Under that impression, when the clause to which he alluded was under consideration, it was his intention to take the sense of the committee upon it.

Mr. *J. P. Grant* availed himself of the present opportunity, it being the last that would offer, not only to state his decided objection to the financial arrangement of the right hon. the chancellor of the exchequer, but to express his surprise that now, in the third year of peace, the country was about to incur the burthen of an increased debt of fourteen millions. In the first year of peace we had borrowed fourteen millions, though there remained seven millions of the unappropriated grants from the former year; in the second year we borrowed between twelve and thirteen millions, and in this year the right hon. gentleman proposed to borrow 14,000,000*l.* while the income of the country available to the public service did not exceed 6,700,000*l.* And yet, with this state of things pressing on his consideration, the right hon. gentleman had not thought proper to furnish parliament with any

statement of his intentions, or how provision was to be made for future years. Was the country to proceed funding loans in a period of peace; while the only satisfaction that it received was, to know that the interest of such loans was provided for, not by taxation, but by the proceeds of the sinking fund? Was it possible to go on under such a system, with an income not bearing a proportion of one-third to the public expenditure? It was too much to hope, indeed there was no hope, that such a system could continue. Without any settled plan of apportioning the expenditure to the income, he could not conceive what advantage could be derived from a nominal sinking fund, where the country was obliged to borrow what it paid off. No man of common sense, in the affairs of private life, could be imposed on by such a delusion. He entertained the highest respect for the intentions of the right hon. gentleman, but at the same time he felt that it was impossible the country could continue every year borrowing for the expenses of the year. By the present arrangement, the right hon. gentleman levied three millions at a very large rate of interest, and he presumed he would issue eleven millions additional exchequer bills. To what purpose all this complicated machinery? It was to throw a veil, and that a very thin one, over the country. He felt it to be his duty to remove that veil; not for the purpose of inspiring fear, but of imparting confidence—a confidence that could only be revived by at once looking the danger in the face. If the least prospect had presented itself of its being the intention of the chancellor of the exchequer to propose any permanent arrangement, he should not have troubled the House; but as from any thing that had been stated, or could be gathered, there was no prospect of such intention, he must again protest against a system calculated to plunge the country into still greater difficulties.

The *Chancellor of the Exchequer* observed, that the hon. and learned member had for several years been in the habit of making similar observations to those he had just made. For his part, he only knew two ways of obtaining money for the public service, namely, levying taxes or obtaining it as a loan. Let it be inquired then, what had been the result of those financial measures with which the hon. and learned member had found fault. It was true, that within the last three years, the unfunded debt had increased 18,000,000*l.*, but within the same period, there had been cancelled a sum of 15,000,000*l.* of capital debt, and it would be found that on looking to the difference of the money price of stocks since that period, and taking every thing into account, it would be found at the end of the year that there was a saving of 40,000,000*l.* to the nation. The hon. and learned member had put a case to the House, from which he endeavoured to show that there could be no saving. In the event of a man in debt borrowing annually 10,000*l.* and only applying a single sum of 10,000*l.* to pay it off, there certainly would be a saving equal to the debt. But if that man were to show that in three years he had borrowed 30,000*l.* and that within the same period he had liquidated a sum of sixty thousand, it would make a case different from that which the hon. and learned member pointed out. By the operation of the present system, although a fresh issue of exchequer-bills would be thrown into circulation, a very large amount would be withdrawn, and converted into stock. At the end of the year he calculated that the result of the accounts would show a reduction of the funded debt to the extent of 15,000,000*l.*, and of the unfunded, to that of all the addition which it was now receiving. As to what was said of his concealing his financial plans, he had only to observe, as he had said on former occasions, that he would at a proper time lay them before the House; and however terrible the predictions of the hon. and learned gentleman might be as to the future, he should not be deterred by them, and would only observe, that that hon. and learned member was rather unhappy in his attempts to remove the veil of futurity.

The House then resolved itself into the committee. On the clause respecting the allowance to the Bank for management,

Mr. *Grenfell* said, that in order to impress the committee with the particular nature of the clause to which he felt it his duty to call his attention, it was necessary to state the subject historically. He believed, that in all former bills of that kind, it had generally escaped the notice of the House. What the nature of the service was for which the Bank required this remuneration, he was enabled to state clearly, having been a subscriber to most of the loans that had been negociated. The Bank were in the habit of

receiving the deposits of the subscribers to the loan, at the periods fixed for that purpose, and of giving them receipts, which were subsequently made available. This constituted one branch of the service. The remaining duty was, when individuals were enabled to anticipate their deposits, to calculate the discounts, and allow them. Such was the sum of service performed by the Bank. When, therefore, the committee recollected the nature of the other transactions existing between the country and the Bank—when it recollected the millions upon millions of the public money that it had at various times in its hands, belonging to the public, and for which no interest was paid—when it recollected the sums paid for the management of the debt—but, above all, when it recollected that every new loan laid the foundation for a permanent charge, it must feel surprised at hearing that a remuneration was also to be paid for the trifling service which he had stated [Hear, hear!]. The committee were not probably aware of the total amount of what the Bank had received under this head, for the last twenty-five years. He had not himself, at present, an account for that length of time, but he had the account for the last 17 years of the war, and the committee would hear with surprise, that under the head of fees, there was paid out of the public purse to the Bank of England, no less a sum than 324,000*l.* Such was the amount paid for this inconsiderable trifling service. Originally these fees were intended for the Bank clerks. They now were shared amongst the proprietors. It was his wish, that the nature of the arrangements with the Bank should have been discussed in a committee of the House. During the two former sessions, he had pressed the subject on the consideration of parliament. That year he had abstained from the discussion, under the belief that the subject would be investigated in the committee of finance. From the very nature of its construction, he was justified in that expectation, confirmed as it was by what had fallen last session from his hon. friend the member for Corfe Castle. He had, however, since been given to understand, that, in consequence of the earnest suggestions of the chancellor of the exchequer, the committee were not likely to enter on that investigation, on the ground of its interfering with certain negotiations. He was, therefore, as he had before stated, driven to take up the subject by piecemeal. He trusted that the vote of the committee would altogether expunge the clause from the bill. The whole amount of what was proposed to pay to the Bank on the 3,000,000*l.* loan, and the 27,000,000*l.* exchequer bills, was 13,200*l.* No inconsiderable sum. Besides, it was to be borne in mind, that this was the first time a charge of fees was ever made on the funding of exchequer bills. Whether this was to mark the determination of the Bank to evince that all opposition to their system was useless, and as a triumph over him, he did not know; but he trusted the committee would expunge the obnoxious clause. He concluded with moving to that effect.

The *Chancellor of the Exchequer* said, it was never in his contemplation to withhold so considerable a branch of the public expenditure, as the transactions between the country and the Bank, from the investigation of the finance committee. Though he felt that it would be inexpedient, from the delay it would produce in certain arrangements, to enter on that investigation at present, he still felt that there was no place where the subject could be more accurately and impartially investigated than in that committee. With respect to the clause particularly adverted to in the motion of the hon. member, he had to state, that the charge made by the Bank was sanctioned by invariable custom. Since the Revolution, in all transactions of the kind it had been allowed, and indeed a higher rate had been allowed when loans were negociated with the South Sea company. He did not therefore feel himself justified, without inquiry or previous deliberation, to refuse a charge which could thus plead immemorial usage. The Bank not only received the deposits, but were judges of the whole transaction. It was true that there was a new feature in the present arrangement, in the allowance on the funding of exchequer bills. Were it an ordinary case of funding, no charge would have been made or allowed, and the duty would have been performed at the exchequer office. But the present was a complicated case, where, by the transfer of stock, a new fund was created. The Bank would have to keep the accounts, and to incur a great responsibility, for which they were entitled to remuneration. They would have to form a new

office, and to provide other clerks. When the whole of the service was considered, there existed even plausible reasons for regulating the charge as if it were on the loan of thirty millions, but to that view he had objected.

Sir *John Newport* observed, that he knew the present financial system was a complicated one, and on that ground it was that he objected to it, as its complicated nature was injurious to the public, by throwing the management of dealings in the funds into the hands of jobbers and others, who would be likely to deceive the public. Such was the management of the chancellor of the exchequer, that he, to-day, presented one plan, to-morrow another, and so on, till the public could not form any idea of what his measures were. Such a system was undoubtedly a bad one, and one which he could not support. He thought it was not necessary to allow the Bank the proposed sums, and he would therefore support his hon. friend's motion.

The *Chancellor of the Exchequer* observed, that whether a more open loan would have been better or not in some respects, the charge in that case for management would have been considerably greater. With regard to the right hon. baronet's observations on the subject of the jobbers of the Stock-exchange, and the influence exercised by them on the conditions of the loan, he could fairly state, that there never was an operation of this nature effected more completely in defiance of their endeavours. He did not wish to speak injuriously, but the whole difficulty which had been experienced proceeded from the machinations of that class of persons. The modifications which had been introduced into the original proposals had not increased the charge for the public a single shilling; on the contrary, they had caused upon the whole transaction some diminution of incidental expense.

Mr. *J. P. Grant* said, that by transferring the three per cents to the three-and-a-half, there was no gain to the public. On the three million loan, and the funding of 27 millions of exchequer bills, the Bank were allowed a certain sum. The question then was, whether, on the whole, there was a less expense incurred to the public than by the ordinary means of raising a loan?

The *Chancellor of the Exchequer* observed, that it was impossible to have a loan by the ordinary means at a lower rate than that he had proposed to them. There were three sorts of allowance on loans, first, on the loan of 3 millions; second, on the funding of exchequer bills, and third, on the tranfer of stock. On the two latter of which the allowance to the Bank was at half the usual sum.

Mr. *Grenfell* observed, that the chancellor of the exchequer had stated, that this was a charge established by immemorial usage. Now, if this charge was founded on any thing like equity or justice, let it remain; but if antiquity only could be urged in its favour, he, for, one should object to it. Did not the right hon. gentleman know, that at the rate of 34 millions there would be a permanent charge of 10,000*l.* per annum on the country? This was a charge contrary to every principle of justice, moderation, and equity; nay, he would say, that it was strongly indicative of that rapacity which had long characterized the whole of the transactions of the Bank. The term "rapacity" might appear harsh to some, but it was an expression which he had borrowed from a lamented friend, a great ornament of that House, (Mr. Horner), and he could use no other word on this occasion.

The *Chancellor of the Exchequer* said, that the hon. member had fallen into an error. He had stated that the charge to the country would be 10,000*l.* per annum; but, as 27,000,000*l.* of stock would be cancelled, on which the Bank would lose their charge, the increase would be only 2,000*l.*

Mr. *Grenfell* said, he did not understand this argument. It was true that 27,000,000*l.* of 3 per cents would be converted into 27,000,000*l.* of 3½ per cents, on which there would be no charge; but, then, there were to be funded 27,000,000*l.* of exchequer-bills, which were equal to 34,000,000*l.* of stock; and calculating them at 300*l.* a million, it was evident that the Bank must receive something like 10,000*l.*

The *Chancellor of the Exchequer* rather believed that he was wrong in his former statement. He had mistaken the 27,000,000*l.* of exchequer bills for stock.

Mr. *Bankes* was of opinion, that the allowances made to the Bank for their conduct of the pecuniary concerns of the government ought to be investigated, and it appeared to him that more particularly the commission to be granted them in the

present instance, on funding exchequer bills was a fit subject for inquiry; but he did not think that the powers of the Finance Committee were sufficient to enable them to sift the subject thoroughly.

A division then took place: For the clause, 46; Against it, 31: Majority, 15.

HOUSE OF COMMONS.

Thursday, April 30.

Imprisonment for Small Debts in Scotland.] Mr. *Finlay* rose to move for a return of the number of prisoners confined for Small Debts in the several prisons of Scotland. He said, he had no doubt that when that return was laid before the House, it would so forcibly interest its humanity, as to urge the immediate adoption of a legislative measure upon the subject. In the preparation of that measure, he hoped for the assistance of those learned gentlemen, whom he had then in his eye. The House, he was persuaded, could hardly imagine the degree of misery which the prisoners alluded to were condemned to suffer, and when the numbers who thus suffered were taken into account combined with the insignificant debts for which they suffered, its astonishment must be excited, while its feelings must be severely afflicted. In the prisons of Glasgow alone there were last year no less than 93 persons confined for sums under one pound, and it was to be recollected that not one of those was likely to come out of prison, without having his morals polluted by the persons he was obliged to associate with in prison. The whole number of prisoners thus confined in all the Scotish prisons, amounted, he had reason to believe, to several hundreds, while he apprehended that those confined for sums under *5l.* amounted to some thousands. He had also to observe, that none of these poor prisoners were entitled to any prison allowance or succour, until ten days after their committal, while the receipt of each afterwards was only *4d.* per day. Yet the creditor could not commit one of these prisoners, without expending ten shillings, nor could the debtor be released without paying six shillings. Upon such facts, he thought it unnecessary to make any comment. The House would no doubt promptly and seriously consider the means of remedying so great an evil.—The hon. member concluded with moving for accounts,

1. "Showing the number of persons imprisoned in the different Prisons in Scotland during three years preceding the 31st December 1817, for debts not exceeding one pound. 2. Of persons so imprisoned for debts exceeding one pound and under three pounds; also above three pounds, and not exceeding five pounds, distinguishing the number in each class so confined for any period exceeding one month, three months, and six months, respectively. 3. Showing when the prisoners became entitled to their legal aliment, together with the amount thereof in the highest and lowest cases."

Mr. *M. A. Taylor* recommended to the consideration of the hon. gentleman, the act passed some years ago, with respect to the confinement of debtors in this country, under the decrees of courts of conscience, and which act, he had the honour to propose to that House. In the provisions of this statute, he apprehended the hon. gentleman would find something to guide his judgment in framing a remedy for the evil alluded to.

Mr. *W. Smith* thought it highly creditable to the hon. gentleman to have brought this important subject before the House, and he wished the chief magistrates of other towns would direct their attention to objects equally interesting to humanity. For himself, he would freely say, that he thought our law materially defective in the tenderness which it always manifested towards property, while it was comparatively indifferent about liberty, and too often also about life.

The motions were agreed to.

Country Bank Notes Bill.] The *Chancellor of the Exchequer* said, that the House would recollect, that next Monday was fixed for the discussion of the Bank Restriction bill, and that on the same night the first reading of the Country Bank Notes bill was to take place. He now thought it his duty to seize the earliest opportunity of stating to the House, that in consequence of some circumstances which had occurred at a meeting with the chief country bankers yesterday, in which certain modifications had been proposed in the measure, which would render it impossible to be carried through during the present session, he should move that the order of the day for the second reading of the bill be discharged [Hear, hear!]. He wished, therefore, that it should be understood, that, although his opinion respecting the

utility of the bill was not altered, it was not his intention to proceed farther with it until next session.

Sir *M. W. Ridley* congratulated the House on the abandonment of this measure. But he implored the right hon. gentleman, if he had any respect for the tranquillity of the country and the stability of public credit, to state most distinctly the determination of his majesty's government respecting the proposal of any measure of the kind at a future period. Otherwise the country bankers would be reduced to a state of the most injurious anxiety.

Mr. *Tierney* hoped the House and the country would not allow themselves to be caught under such pretences. This was the second meeting at lord Liverpool's, in which the business of parliament was arranged without consulting the House of Commons. It was thus its sanction was set at nought. How could he know the grounds on which this measure was now withdrawn? Had the right hon. gentleman given any reason? It was, he said, in consequence of a meeting of the minister with a rich body of men. Did he fear, that if he persevered in a measure which so essentially affected their interests, they would leave him, in the event of a general election, to shift for himself [Hear, hear!]?

Lord *Castlereagh* never understood that when a member gave notice of his intention of submitting a measure to the consideration of the House, he was deprived of the discretion of withdrawing it, if he should think proper, or of altering it as to mode or time. The right hon. gentleman was in the habit of imputing motives—that was an old expedient of his; and if he meant to be effective, he would recommend him not to avail himself of it so often.

Mr. *Brougham* trusted that the country bankers would fairly understand how their interests were affected by the present situation of this question. It had been distinctly acknowledged that the principle of the measure was not abandoned, but was to be again brought forward in a shape somewhat different. He entertained not the smallest doubt that a similar measure would be introduced after the next election, and when circumstances would be more favourable to its success.

Sir *James Graham* was glad to hear that the measure was to be postponed, although his satisfaction was much diminished by the probability of its revival next session. He believed its tendency to be very injurious to credit, and to the means of securing the regular payment of the taxes. He had conversed with many enlightened persons on this subject, and had not met with one who did not express his disapprobation of it. It had already materially shaken confidence in the country, and caused a considerable run on several banks. He had no interest in any country bank, but he entertained a most unfavourable opinion of the measure, and wished to hear that it was entirely relinquished.

The *Chancellor of the Exchequer* observed, that he should not fail to take the earliest opportunity of informing the House what were the ultimate intentions of his majesty's government in reference to this subject.

Mr. *Calcraft* said, it would appear from the last observation of the right hon. gentleman, that the parties whose interests were to be affected by this measure, had merely craved time to consider the subject; now he had heard quite the reverse, and that at the meeting at lord Liverpool's yesterday, the gentlemen present distinctly declared, that no time would reconcile them to the principle of the bill. They did not ask for a postponement of the question, with any view to time, but for an abandonment of it altogether, as a measure to which no time could reconcile them, and as one which, if carried into effect, would ruin their credit with the country.

Sir *M. W. Ridley* said, that as allusion had been made to the meeting at lord Liverpool's yesterday, he felt it necessary to state, that he was one of the persons who had there attended, and who, with one or two exceptions, were gentlemen concerned in country banks, and not members of that House. It was due, both to lord Liverpool and the chancellor of the exchequer to say, that they showed every disposition to hear with attention all the arguments urged against the proposition by the gentlemen whose interests it was to affect; but he had also to add, that there was not an individual called to the meeting, or a country banker in England, who could at any period, or under any circumstances, consent to the principle, in which the right hon. gentleman had avowed it his intention to persevere.

Mr. *Lyttelton* bore similar testimony to the dissatisfaction and alarm which the introduction of this measure had excited

among the bankers in that part of Worcestershire with which he was chiefly connected. He had received the strongest remonstrances against its progress through the House, and doubted not that this was the case with many honourable members. It was desirable that facts of this nature should be stated, that the right hon. gentleman might know the sentiment universally entertained respecting designs which he had so imperfectly communicated.

Mr. *F. Douglas* could not help making a single observation on the course taken by the chancellor of the exchequer, and suggesting a departure from it in future. Would it not be as well if, when the right hon. gentleman had a measure to introduce affecting the interests of a large body of individuals, he would see the necessity of previously consulting them, instead of taking that step after he had announced his measure, and yielding after he had tried the temper of the House. It would certainly be less alarming to the House and the country that he should in future adopt this more discreet course.

Mr. *Tierney* should have been glad that the measure had been discussed, because he was persuaded that it would have been thrown out. His majesty's ministers had not behaved fairly. The House were called upon to throw out this bill, but no reasons had been given why it should be done. He knew of none but the alleged want of time. Some better reasons should be produced and what could they be? All the House knew was, that the country bankers were inimical to the bill; but he looked at the measure as one of the legislature, and he conceived it very possible that he might be friendly to a bill to which the country bankers might feel adverse. The present mode must create considerable alarm; for it would not be known how the measure was thrown out, and country bankers must consider that the principle of the bill was maintained by his majesty's ministers, to be probably renewed under circumstances more favourable to its adoption. They must then go on with their issues and circulation, in horror at the expectation of such a measure. The question ought to be fairly set at rest. As to the whole principle on which the currency of the country had been carried on for the last six or eight months, it was the most mischievous that could ever have entered the head of any chancellor of the exchequer.

The *Chancellor of the Exchequer*, after vindicating his right to delay or withdraw his motion, admitted that many of the arguments used yesterday at the meeting went against the principle of the bill. His opinion, however, was unchanged. He thought that, with some modifications, much good might still be done, and as there was no time to carry those into effect during the present session he should persist in his motion.

The order for reading the bill a second time on Monday was then discharged. After which, it was ordered to be read a second time this day two months.

Artillery Drivers.] Mr. *Bennet* rose, pursuant to notice, to move, "That an humble Address be presented to his Royal Highness the Prince Regent, praying that he would be graciously pleased to direct the payment of the sum of 3,504*l.* to the officers of the eight troops of the Royal Artillery Drivers, being the difference between the full and half-pay, and to assure his Royal Highness that this House will make good the same." The hon. gentleman re-stated the reasons he had urged on a former evening, to show the justice and necessity of placing the officers of the artillery drivers corps on something like a par with those in other branches of the military service. As the officers to whose case he alluded were now placed, they had only their half-pay, notwithstanding their long service, and the wounds they might have received, while from the nature of the existing regulations, they could not, like other officers, avail themselves of an opportunity of getting employment in other branches of the service. The case alluded to on a former evening by the hon. gentleman opposite, of the two battalions of Irish artillery, was not a case in point, for the officers of these battalions had the option of retiring on full pay, or of going into the royal artillery. He was sure the House would not countenance the proposition that those officers who spent their youth and health in the service of the country, were to be abandoned at the close of the war, and put on a worse footing than others who had seen but comparatively little service. The hon. gentleman concluded by moving his Address.

Mr. *Ward* said, that the hon. gentleman had placed him and those he represented in a painful situation—that of being forced, from a sense of duty, to deny to a meritorious class of gentlemen, what,

if the House chose to grant it, the master-general had no personal wish to prevent. As long, however, as duty was to be performed, he was bound to state the official reasons against this grant. They were many and strong. But, in the first instance, he was anxious to deliver the case from all adventitious difficulty, and utterly to deny that any promise, express or implied, had ever been made by the noble lord at present at the head of the department, or any one acting under him, or, as far as he knew, any of their predecessors whatever. He had been called upon to deny that the officers themselves expected it in their own minds. But who could answer for what passed in another man's mind without inspiration, which he certainly did not possess? All he would do was to deny that they had any reason for such expectation—for even a semblance of a hope that any of the officers in question were to retire on full pay. That was confined to those of the four troops who had been arbitrarily as it were deprived of their commissions, while the troops themselves remained on service. All the rest had retired, as of course, with the troops they had commanded, and, as of course, on half-pay. This was in fact the true, the real, and only distinction between them, and afforded the only reason that could govern the case. What was its history? In the hurry in which the whole driver service was composed, excellent as it now was, there was this great defect: that its officers, although they certainly had military rank, could have no military command; he meant of guns and gunners. By their commission [which he here read], their command was confined to commissary officers, drivers, military farriers, and artificers, and the management of the artillery horses. They were, therefore, ordered to obey the youngest officer of the regiment who had the charge of any artillery in the field. Hence the Commissioners of Military Inquiry describe their duties rather as those of internal regulation, in respect to the state and condition of the horses and men, than those of the regular service in fighting the guns. These duties they had most satisfactorily performed, in the very teeth of the enemy, and, in as far as it required more cool determination to be passive under danger, too much could not be said of their gallantry. But this did not alter the condition of their service, by which, from the terms of their commissions, on account of the nature of their duties, they were told not to expect to rise higher than the rank of a captain-commissary. It was evident, meritorious as they certainly were, that with such commissions, great military promotion could not be open to them; and if they sustained any peculiar injury by being placed on half-pay, beyond thousands of other gallant officers, it could not be from the loss of such promotion.—He hoped nothing he had observed was calculated to hurt the feelings of any one of these meritorious persons; many of them he believed had shown considerable talents; among them he was the first to acknowledge those of the officer that had been brought forward (captain Humphreys). He believed, in fact, that it was the anomalous nature of their service, thus crippled, that alone prevented their pursuit of a full military career. But at least such an anomaly was found inconvenient, and the master-general could not be blamed if he endeavoured, as soon as he could, to put an end to it. This could only be done, either by removing the officers, while the men were kept up, and introducing the officers of the regiment in their stead; or by waiting till the troops themselves were reduced at a peace, and upon a re-establishment of the corps on a future war, making a new constitution. In the first instance, as these officers would have been arbitrarily deprived of their commissions by no fault of theirs, and the service going on, it would have been unjust not to have given them the compensation of full pay. In the last, as the circumstance of being on half-pay gives no right to return to the service, should other regulations forbid, no one could complain at not being restored. Then what had the noble lord done? In regard to eight out of twelve troops the men had at different times been disbanded, and the officers had retired on half-pay. In regard to the four remaining, as the men were kept up, and officers of the horse artillery introduced, the driver officers, thus forcibly, as it were, dispossessed, and faultless themselves, received the compensation due to them, namely, full pay. This was the real case. Was there any thing in argument to alter it?—The hon. gentleman had dwelt much upon the merits of captain Humphreys, and the fact that the 5th and 6th troops, for which alone he pleaded, had served till September 1816, though ordered to

be reduced in April. Suppose they had served till now! if the men were reduced with them, would that make any difference? That captain Humphreys had served 23 years meritoriously he was very willing to allow, and that a younger officer might be among those in the four senior troops, and had thus retired on full pay, might be true; but what was there in this different from the chances of the whole army, where an older officer might go into a younger regiment on promotion, or any other reason, and be overtaken by a reduction, while a junior who had remained in the old regiment continued employed. The hon. gentleman could not surely be ignorant of this, and wanted them therefore to introduce the strange confusion of either never being able to reduce the army by corps, or, upon every reduction, creating a revolution in all the old regiments — [Hear, hear!]. Such, then, was the principle. What was the practice? Why, even in this very artillery service, and this very corps of drivers, the precedents were all against them. In 1812, the commission of major in the corps was suppressed, and the officer, major James, placed upon half, not full pay; yet the office being declared useless, it was evident he could never return. At the peace, the artillery of the German legion, and also the foreign artillery, were reduced, and the officers (many of whom had served with distinction in the field) received, not full, but half-pay. These, also, were for ever out of the service. But a more exact case was to be found in that of the drivers on the Irish establishment, which had been reduced in 1802, not on full, but on half-pay. This was precisely in point: for these officers at this moment, enjoyed annuities to the amount of near 900*l.* a year. Now, what had these done, or those of the six troops on the English establishment, that they were not to be allowed the same benefit as those in whose favour the hon. gentleman pushed the department to break all rules? Nothing! and if this question were carried, the master-general could not and would not oppose their arrears.— This brought him to the question of finance. The arrears of the Irish drivers officers would be more than 15,000*l.* those of the English more than 10,000*l.*, besides an increased permanent expense of about 6,000*l.* a year; but besides these, there was a battalion of Irish artillery reduced at the Union, never to return to the artillery service, whose arrears would be full 22,000*l.*; in all 47,000*l.* With neither right nor precedent for them, with all precedent against them, were the House prepared to grant away all this money? Or, when the master-general and board were called upon, from one end of the country to the other (and by no one more loudly than by the hon. gentleman who made this motion), could they on such a case be deemed good stewards for the public, if they sanctioned the application? He rested it, however, not on the ground of finance. God forbid that a question of justice should become a question of money! but in a case where there was no justice, finance must have its weight. It was really painful to him to say there was no justice in this demand, but it was forced upon him. An opinion was thus publicly called for, and he was bound to give it, or relinquish his duty. Were the country rich enough, with his good will, all officers who had served as long and as well as captain Humphreys, should retire on full pay. As it was he was at a loss to discover what there was in the case of any of these gentlemen (meritorious as he had allowed them to be), to set them above the claims of their brother officers and those of the whole British army, whose duties were at least more immediately military, who had many of them bled for their country, and who had even paid for their commissions, which these officers had not. For these the commander-in-chief had laboured in vain to procure such a boon as this: and he would state his royal highness's opinion, that if this measure were carried, it would be unjust to others, and create the greatest discontent. It was said, officers of the line had not lost their military career; he had shown, from their commissions, that that of the driver officers was, at best, but most contracted. It was said that the Irish battalion had been left eligible to commissions in the line; he could only say, as far as the ordnance were concerned, the driver officers were not ineligible. If being accustomed to evolutions, to command and to obey, and act coolly in the face of an enemy, could make officers eligible, he for one, should say they were eminently so. But the discretion was in the commander-in-chief, not the master-general, and the line itself was dependent upon that discretion. Gentlemen had argued as if there was a right in the half-pay of the line to succeed to vacant commissions.

This was fallacious. The half-pay was a remuneration for past service, but gave no right to future employment. Regulation might sweep away a whole class at once. Suppose, for example, the commander in chief were to resolve to call no one from the half-pay beyond the age of 30, this would exclude a great body of officers; but would they, on that account, have a right to come to the House and demand full pay? — Upon the whole, he and those he represented, were fully convinced there was no colour of argument for the motion. Nevertheless, he was very glad to state one, the only boon which the master-general felt he could authorize in their favour, viz. that as they were out of the artillery service, and deemed so in the line, they should be allowed to hold their allowances, consistently with any other employment under government they might acquire. This was more than any officer of the army enjoyed, be his services, his distinctions. or even his wounds, what they might. He trusted the House would permit this, and it was the only agreeable part of the task he had to perform, as he could assure the officers concerned, and the hon. gentleman who supported the motion, that he never felt his parliamentary duty so painful as in being obliged, for the reasons stated, to give it his opposition.

Mr. *Lyttelton* felt perfectly satisfied with the observations made by the hon. member, for the candour in making which he gave him great credit. Indeed, some part of the hon. member's remarks were an anticipation of those which he intended to offer on the subject. He would not therefore take up the time of the House by adverting farther to the topics on which the hon. member had so ably delivered himself. There was, however, one circumstance, on which he begged leave to say a word. He alluded to the affidavit which was to be made by every officer on receiving his half-pay, of his not holding any situation under the Crown. This he conceived to be a great grievance to the whole service. He could not see, why a military man, who had long served his country, and after that service had been placed upon half-pay, should be precluded from again acting in any other than a military capacity, except with the loss of his half-pay. If they were found efficient for civil situations, he saw no reason why they should not be employed, and hold their half-pay at the same time.

Mr. *Benson* said, that there was nothing in the commissions of these officers, nothing in their communications with the ordnance, which held out that the services of this corps would be absolutely annihilated. He held in his hand a letter from the late duke of Richmond to an officer on the establishment, in which the following passage occurred:—"It was certainly not meant that you should not rise to higher situations in the service." This held out a sort of hope of their attaining higher rank. There was nothing in it to show that on a peace their services would be absolutely annihilated, and all prospect taken away of their entering into the army or artillery.

Mr. *Calcraft* thought that from the clear and candid statement made by the hon. member, there was nothing in the case of the officers of which they had a just right to complain. He therefore felt himself obliged to oppose the motion, which, if carried, would, in his opinion, create invidious distinctions in the service. He trusted that his hon. friend would not press it, and he felt satisfied that if the officers on whose behalf it was made, should come to hear of what had fallen from the hon. member opposite (Mr. Ward), there was not one of them who would not feel that no injustice had been done to him. There was, besides, a great difference between the situation of the officers of the artillery drivers and the officers of the army, in this respect, that the latter purchased their commissions, which the former did not.

Mr. *Bennet*, in reply, repeated, that the case of the officers he had mentioned was one of great hardship. The nature of their services seemed altogether to be overlooked. They were, in fact, the very sinews of the army, for without them the guns, ammunition, or provisions, could not be carried from place to place. A great many of the officers had suffered severely in the service, and many of them were at present entirely dependant upon the small allowance which they enjoyed. If the motion he had made should not be carried, it would at least be a satisfaction to him, that by the agitation of the question some benefit was likely to result to the officers of this deserving corps.

The motion was then put, and negatived, without a division.

SETTLEMENT OF THE POOR BILL.] Mr. *Sturges Bourne* said, he should tres-

pass as shortly as possible on the attention of the House, while he detailed the principal provisions of a bill, for altering the existing law of settlements, which, under the authority of the committee on the poor laws, he should move for leave to bring in. He should give a short view of the law on the subject up to the present period. In the early part of the reign of queen Elizabeth the maintenance of the poor was first established by law, and the law of settlement was then also for the first time introduced. That law laid down various rules for determining the parish to which any pauper should he held to belong, but it empowered all persons to remove from parish to parish at pleasure. That law continued in force for near a century, till the beginning of Charles the 2nd, when considerable doubts having existed on the subject, and different decisions having been given of what was to be held a settlement, a month's residence having in some cases been taken, in others a very different period of time, by the 13th and 14th Charles the 2nd these doubts were removed. The preamble of that bill stated, that great mischief had been done in parishes where there were extensive wastes and commons, by persons taking up a temporary residence on them, and when they had plundered the woods, removing to other parishes. This law of the 13th and 14th Charles the 2nd continued the basis of the law of settlement up to a recent period. The effect of that law was, to confine poor persons to their own parishes, than which nothing could be more unpleasant to the individuals so confined, and more unprofitable to the state. It gave a settlement to an individual on a residence of forty days in a parish, but it at the same time gave power to the parish officers to remove all persons taking up a residence in the parish and not renting a tenement of 10*l.* a year. Under that law it was not unnatural that persons coming into a parish should conceal their residence. A subsequent act required a certain notice to be given; and as it was afterwards found that this was not sufficient and that collusion took place, it was enacted that notice should be given in the parish church. To obviate the inconveniences which arose under this state of the law, the system of granting certificates was resorted to. Thus, a person wishing to remove from the parish of A. to the parish of B. received a certificate from the parish of A., acknowledging that he belonged to it, by which means he was allowed to reside in the parish of B., till he became chargeable to it. This was the law till our own time, when the 35th of the king liberated the lower orders from the power of parish officers. From the passing of the 35th the evil had been in a great manner done away, so far as regarded the power of removing from parish to parish. But when the labourer required relief, from illness or other causes, then the most distressing scenes frequently took place. If from illness, or other causes, an individual required assistance, he was removed perhaps to a distant part of the country, which he had not seen for many years, and where he could obtain no employment. This evil of the existing law called loudly for remedy. The laws which had grown out of the 13th and 14th Charles 2nd, for attaching people to the parishes where they worked, had completely failed. A forty days residence in a parish where a man did not work gave a settlement, while another person who had worked forty years in a parish had not a settlement in it. With regard to the litigation to which they gave rise, it was endless. Even under the existing law the questions of fact were innumerable. The number of appeals to the quarter sessions against orders of removal last year were 4,700. One of the most fruitful sources of litigation was, the renting a tenement of the value of 10*l.* yearly. The most contradictory evidence was frequently given by surveyors, as to the value of a tenement. Another source of settlement —the hiring of servants—was also the cause of much litigation; but he would refer those gentlemen who wished to go more minutely into the subject, to the report of the committee on the poor laws. But great as the evil of litigation was, it was not the greatest evil. A person might be removed to a distant part of the kingdom, where he might have settled in an early part of his life. If a person did not rent a tenement of 10*l.* value, it was in many cases not in his power to gain a settlement. In many parts of the country great pains were taken to prevent the obtaining of settlements—tenants were bound down in their leases not to hire a servant for more than a certain number of weeks, to prevent his obtaining a settlement. The country at large were sensible of the evil of the system; and it was necessary, therefore, to look to a remedy for the evil. Some persons thought the

law of settlement should be altogether done away, and that the poor ought to be maintained by the parish where they happened to be when they first required support. But the consequence of this would be, that persons would flock to particular parishes; and in great towns a door would be open to innumerable frauds, and to endless vagrancy. But all these evils, it was again very confidently said, might be done away with, by granting this relief out of a national fund. But what check would there be on the expenditure? Was there such a tender feeling at present with respect to defrauding the public? Was it not seen, on the contrary, that persons who lived by defrauding the revenue were not unpopular?—that this was the employment of persons in a rank of life much above the lowest?—persons who would be ashamed of defrauding private individuals? These people were looked on with complacency, and he would leave the House to judge what might be expected when motives of humanity were added, and when every parish officer would be anxious to gratify his feelings of humanity at the expense of the public. A national fund was therefore quite impossible; and it became necessary to attach people to the parishes where they were to obtain local relief. The first ground for obtaining a settlement to which he should advert was birth. This would put an end in a short time to all litigation, as every person's birth would be registered. But against birth there were many serious objections. Another ground was residence for a certain time, three years for instance. It was worthy of the consideration of the House, whether, after all, this was not the best plan. He could see no injury from a settlement being obtained in a place where a person resided for three years. He should suggest to the House a mode of arrangement, which might go far to do away any difficulties connected with this subject. He should propose, that, after three years residence in a parish, an individual should then be at liberty, at the option of the parish-officers, to have it adjudged that he had resided three years. In case of refusal, instead of appeal to the quarter sessions, he should propose, that the decision be given to any two magistrates in the neighbourhood. It appeared to him that there could be no difficulty in proving a residence of the time required. The House, of course, understood that he proposed no retrospect. There might be a difficulty with respect to occasional absence. He shouuld propose, that a residence of three years, without an absence of more than 60 days in each year, without being in the mean time chargeable on any parish, and without the individual's having been convicted of any crime or misdemeanor, should entitle to settlement in a parish. This would obviate the present restrictions in hiring servants, and would have the effect of producing a stronger attachment between them. In short, this regulation he conceived would, in every way, be favourable to morals and good conduct. He should propose, that no settlement be gained under the age of 16. This might remove any disinclination to taking boys and apprentices. Another object of his bill would be to suspend the incurring the expense of removal till the decision of any appeal. In many cases this would save the expense of removing a man and his whole family to a distant part of the country. The alterations which he proposed were really not innovations, but bringing back the law to what it anciently was; and if he erred, he erred with very great authority, with both Mr. Pitt and Mr. Whitbread in their bills. The right hon. gentleman referred also to another authority which might be considered still greater on this subject, that of Dr. Burn, who wrote the history of the poor laws. He concluded with moving "That leave be given to bring in a bill to amend the laws respecting the Settlement of the Poor."

Mr. *Atkins Wright* wished to know the period of time that would be required to entitle a pauper to a settlement, and the time of removal in cases of appeal.

Mr. *Sturges Bourne* replied, that three years was the period required, and that the pauper must not have been absent more than 60 days in each of those years. The days were not to be consecutive, but in the course of the whole year his absence must not have been greater. No removal was to take place during an appeal, unless wished by the parish, who were, in that case, to be liable for all the expense. He wished to take that opportunity to explain what was to be proposed respecting servants. When servants had been three years with one master, and resided during that period in different parishes, it was proposed to make that parish liable for their maintenance where they had been for the last two or three months.

Sir *Charles Monck* said, that as the right hon. gentleman had referred to Dr. Burn's authority, to show the propriety of reverting to the ancient law, he must remind him that the ancient law was not that three years constituted a settlement; but that, if the pauper had previously resided in another parish for more than three years, for five or six years, he should be removed to that parish; but this was rather a matter of curiosity. Such an alteration in the law of the land as was now proposed must occasion injustice. They could not sweep away laws once existing, whether good or bad, without gross injustice. The proposed law in this case did not seem to meet the evil. It did not prevent litigation, as to which of several parishes was under the stronger obligation to support the poor, in cases where the residence had not been three years in any one of them. A. B. and C. are equally bound, as far as residence is concerned, to maintain a pauper. Which of them is to be liable? This was the great difficulty to be removed. The law of maintenance was sufficiently clear—the pauper must be maintained. But the question respected the law of settlement, who was to maintain this pauper? There was another provision which he considered liable to objection. The acquisition of settlement was to be vitiated by any crime committed by the pauper. If the pauper committed a crime in one parish, why should another parish be therefore punished? The parish in which the crime was committed ought rather to be punished. It was agreeable to the law of the land, and the ancient custom of England, that the neighbourhood should be responsible for crimes committed amongst them.

Lord *Castlereagh* rose to deprecate going into a discussion on the measure in the present stage of the question. It would be more satisfactory to wait till the bill should be printed.

Sir *S. Romilly* said, he was certainly not prepared to discuss the principle of the bill, but he did not see why an opinion should not be now given upon the measure. At the same time he felt by no means disposed to make any objections to the proposed measure. He conceived it to be a great improvement, and one that would prevent much inconvenience, much expense, and much suffering. This opinion he now gave, having had considerable experience in former years of the operation of the poor laws. The distress occasioned to the wretched paupers by sudden removals, and to a great distance, was extremely painful to every mind of reflection and humanity. It was monstrous to suppose that it was a matter of indifference to the pauper where he should be maintained. It was often of the utmost importance to him. On a sudden illness, depriving him of the power to work at his employment, he was removed to another parish, perhaps far distant, where, when he recovered, no employment was to be found for him. He had known a journeyman printer to have been so removed to a place where no printing was done, and where he could consequently obtain no employment. He, therefore, thought the proposed alteration most beneficial, most advantageous in its consequences, and altogether the most beneficial regulation on the subject during the present reign. He had often viewed it as the greatest cruelty to an unfortunate pauper to be, on account of a temporary illness, removed to a place where he would be surrounded with strangers, and where, if he recovered, no employment could be found. The distress to the pauper was very great, the expense of removal was great, and the ultimate burthen to the public was often much increased by this cruel law. He would take another opportunity of considering the details of the measure, but he could not now avoid saying that he thought it the greatest improvement that could possibly be made.

Mr. *Lockhart* stated instances of the increase of litigation which he had lately remarked at two quarter-sessions. In one instance, the increase was from 1 to 20; in another from 1 to 16. He also mentioned instances of fraud and imposition by paupers having apprentices, and by men having property in one parish and removing to another parish, and taking houses rented so low as to come under the law of settlement. These evils required correction, and he hoped the measure proposed would be effectual. He apprehended, however, that by this measure a greater proportion of paupers would be thrown upon the towns.

Leave was given to bring in the bill.

New Churches Building Bill.] The House having resolved itself into a committee on this bill,

Sir *Frederick Flood* said, he had heard that, for the purpose of building the new

churches, the sum of one million was to be raised from the consolidated fund of England and Ireland. This, according to the proportion settled at the Union, being two-seventeenths for Ireland, would throw upon that country a part of this expense amounting to 120,000*l.* If such was the case, he hoped that Ireland would partake of the advantage. He was as desirous as any man to see new churches built for the accommodation of the established church. Ireland required such accommodation as much as England, for the population had greatly increased there, and was becoming more numerous every day. There was not a country in the world more productive of population. The Protestant religion, too, was advancing as fast as any other description of religion. It could not be denied that Ireland was very much indebted to England, but it should be remembered also, that England was very much indebted to Ireland; and it was the interest of every Briton to support her. Her officers and soldiers always fought gallantly. Not one of them deserted their standard. In the time of Mr. Perceval, 50,000*l.* was granted for repairing churches in Ireland, and the same for first fruits in last session. They were not able to bear this. The right hon. the chancellor of the exchequer could not but see the distress of the country when he was last there. It was apparent; particularly in Dublin, the finest metropolis in the whole world. He must have observed the wretchedness of the place—some of the houses deserted, and a great part of the windows stopped up to avoid the tax. There were palaces there no doubt—there was the lord lieutenant's palace—but they were deserted; they were not frequented as formerly by the gentry and nobility, because their parliament was taken away from them. In the part of the country with which he was acquainted, he often saw people leaving the churches for want of room. He hoped, therefore, the benefit of this measure would be extended there.

The *Chancellor of the Exchequer* believed he could remove the difficulties and satisfy the objections of the hon. baronet. This measure would not be attended with any injustice to Ireland. Of that he hoped they would never be guilty towards her, for they were fully sensible of the merits of their Irish fellow-subjects. The hon. baronet was mistaken in all the points to which he had alluded. In the first place, this was not to be a grant from the consolidated fund. In the second place, the proportion of two-seventeenths, established at the Union, did not now exist. It was done away two years back, when the exchequers of both countries were consolidated. As to the grant of 50,000*l.* alluded to, a similar one was voted every year since 1810, not for the repair of churches, but for the commission of first fruits. Last year it was only 30,000*l.* If more accommodation was necessary for the congregations in Ireland, which he was happy to learn were upon the increase, the House, he had no doubt, would provide it most cheerfully.

Sir *W. Scott* objected to the clause which entitled twelve well-disposed persons to build a church, and appoint a minister with the consent of the bishop, as tending to disturb the tranquillity of the church by the introduction of dogmatical sectaries, and by infringing on the rights of patrons. It was unworthy, too, in the church, to depend on private funds for its increase or support. He objected also to the language of the clause: the expression "well disposed" was loose in the extreme, and no certain construction could be put upon it. Their being householders of the parish was no protection; for strangers who did not belong to the parish might join with them; and if the bishop refused his consent, he would be exposed to a degree of odium he might be very unwilling to encounter. A clause of this nature could not fail to encounter opposition in another place, and might endanger the success of the bill altogether. He, therefore, moved its rejection.

The *Chancellor of the Exchequer* defended the clause, and thought that the church should avail itself of all sources of assistance from private liberality. He could state, in answer to an apprehension that had fallen from his right hon. friend, that this clause would not endanger the bill in another place. Those who were most interested had been consulted, and had expressed their acquiescence in it. The clause would not enable strangers to introduce sectarians; it mentioned only that twelve well-disposed householders of the parish, and others, might build, and have two presentations. As the law stood already, nothing could prevent parties from building and preaching as long as they liked, doctrines the most opposite to those of the church. With respect to patrons, the clause did not interfere

with their right of presentation; and as to its being unworthy of the church to profit by private munificence, the right hon. gentleman must be aware, that a great proportion of the churches at present existing had been founded by private patrons. He could not, therefore, consent to abandon the clause.

Mr. *Wrottesley* opposed the clause as likely to make a serious inroad on the rights of the established church. If this proposition were to be pressed, he hoped it would be made the subject of a separate bill, that the present measure which was so generally approved, might not be clogged with that which appeared so objectionable.

Mr. *Bathurst* was willing to give both of the clauses his support, because he did not wish to endanger the success of the bill, but he would consent to them only with some modification. One of the clauses allowed twelve persons, who might provide the necessary funds for the building of a church or chapel, to apply to the bishop for the purpose, and having obtained his consent to proceed in the erection of the said church or chapel. The subscribers were then to have the right of two presentations, through trustees appointed by the majority. Now it might so happen, that the greater part of the funds might be raised without the parish, and of course that the nomination might rest with people not belonging to it. To the clause, as it thus stood, he could not agree. He could not consent to the nomination being placed in the hands of extra-parochial subscribers. He would therefore propose, when the proper time came, some modification, making it necessary for the majority of the subscribers to be resident parishioners. No person unconnected with the parish could have a personal interest in appointing a Christian instructor. General subscribers should not therefore be allowed to exercise the right of presentation. He did not wish to check the liberality of individuals which came in aid of the liberality of parliament to promote so laudable an object as the erection of places of worship, but he did not see how the limitation he proposed could have that effect. The society which had been formed for promoting this object had subscribed without any condition, and had even gone before parliament in raising funds for the purpose. As no plan had been laid down by the legislature on which to proceed, and as no faith had been pledged, there could be no faith broken with them under whatever regulations they were allowed to expend their subscriptions. In the case of parishes which received the aid of parliament, that aid could be extended on any conditions parliament chose; and one of those conditions ought to be, to limit the right of presentation, which might be given once or twice as an inducement to co-operate to a majority of resident subscribers.

The *Chancellor of the Exchequer* said, that there was not such a difference between himself and his right hon. friend as might at first sight appear. It was to be supposed that the majority of subscribers would be resident parishioners, and a discretion was allowed to the bishop to grant or withhold his consent, as he saw how the funds were raised. The incumbent and patron likewise were to be consulted, and it was not likely that they would agree to any proposition by which an extra-parochial influence would be created. The incumbent himself might be a subscriber. He would not object to the introduction of some words by which the evils apprehended might be prevented, and the objections stated obviated.

Mr. *Bathurst* said, that the objection was not answered by referring to the power conferred on the bishop by the bill. The bishop was only allowed to judge of the expediency of erecting an additional place of worship, and of the sufficiency of the funds raised for the purpose. He had no right to inquire whence those funds came, or into whose hands the right of presentation might devolve.

Mr. *Peel* expressed his entire concurrence with every observation which fell from his right hon. and learned friend. The objectionable clauses did not seem necessarily connected with the rest of the bill, and might easily be detached from it, to be made the subject of a separate discussion. They, therefore, ought to be introduced in a separate bill, and determined on their own grounds. If right, they might be voted by themselves; if wrong, they ought to be rejected without injury to what was right. The consent of the House ought not to be purchased to an objectionable measure by its union with what was desirable, nor ought the regulation of the latter to be hazarded by being coupled with the former. The bishop was not allowed to judge by the bill of the source from whence the funds

arose. If twelve well-disposed persons agreed to raise the necessary funds, they might apply to him, and have his consent to the erection of a place of worship, to which the trustees elected by the majority of subscribers, wherever they resided, would have the right of presenting twice. This description of persons appeared to him to be as indefinite as the result of their operations might be injurious to the rights of the church. What was meant by well-disposed persons, when the term was introduced into an act of parliament? Crime was defined by law, but he never yet heard of a definition of morality in a statute. How were we to measure good dispositions, or ascertain the character of well-disposed persons by an act of parliament? He was confirmed in his objections to this clause of the bill by the very concessions that had already been made, and the amendments introduced. In the original proposal of the measure, the subscribers were to have the right of nominating thrice. His right hon. friend, the chancellor of the exchequer, had now reduced this right to two turns of nomination, and another right hon. friend (Mr. Bathurst) spoke of one. Why was the original proposition abandoned, if it were right? In the bill there was no description of the kind of fabrics to be raised, and no provision made for their repairs. They might only be of a kind to last so long as the original subscribers had an interest in the nomination of the clergyman; and might devolve to the patron or the incumbent when unfit for use. He opposed the clause, and wished it separated from the bill.

Dr. *Phillimore* said, it became the House to consider the want of churches, and whether the legislature would not relax in certain rights to enable the zeal of individuals to concur with the wishes of parliament. It was true, indeed, that law was unbending, but this was not the case with legislation. If there was a real want of churches, he had rather that churches were erected by sectarists, than not built at all. He was not for separating the measure from the bill. Notwithstanding the anxiety he felt to maintain the ascendancy of the church, he confessed that he wished to see the present clause carried. It would, however, be recollected, that the bishops still retained the power to repel all abuses of the bill.

Sir *M. W. Ridley* felt it his duty to object to the clause, and doubted much if the bishops had a power to prevent the abuses of it. He hoped it would finally form a separate bill.

Lord *Castlereagh* would shortly state the grounds upon which he should support the clause. He much doubted, in the present state of the growing population of the country, whether the amazing void of religion could be supplied without some collateral aid. He had rather not tempt men into the church; and if this measure could have that effect, he wished it put under guards. It would still be open to the incumbent and the bishop to control the appointment of the minister of such church or chapel. He believed it would benefit the common cause, if the people had the pointing out of their ministers; this would accelerate the establishment. This being his general impression, he would vote for the clauses. At the same time, he was not prepared to say that they should not be separated, though they were members of the same system.

Mr. *V. Fitzgerald* regretted that he was compelled to vote against the measure proposed by his right hon. friend: he feared that the bill would be endangered if the clause were introduced.

The *Chancellor of the Exchequer* could not concur in the idea of excluding private liberality from assisting the services of the church. When they saw the land covered with dissenting meetings by private liberality, he wished to afford the same means to the established church, and was confident of its success.

The House then divided:—For the clause, 22; Against it, 47: Majority against it, 25. The chairman then reported progress, and asked leave to sit again.

HOUSE OF COMMONS.

Friday, May 1.

Forgery of Bank Notes.] Sir *C. Morgan* presented a Petition from several inhabitants of Birmingham, setting forth,

"That the Petitioners observing, with feelings of deep concern, the increasing number of prosecutions arising from and out of the forgery of Bank of England notes, are of opinion that a due regard to public morals, as well as public credit and security, requires that the utmost endeavours should be made to diminish the evil; that it appears to the petitioners that some of the principal causes of the frequent commission of these crimes are to be found in

the slight and insufficient manner in which the plates are engraved, in the paucity of words used in the notes, in the want of variety in the character employed; in the small quantity of manuscript, and in the uniform badness of the hand-writing, all which contribute to the facility with which these notes are now imitated by the inferior class of engravers, and make it so difficult for the community at large to distinguish between a forged and a genuine Bank note; that the petitioners conceive that the art of writing on copper-plate is now carried to such perfection in this country, that this alone, if applied by the best artists of that class to the execution of the Bank of England notes, would render their imitation exceedingly difficult if not impossible, even without the introduction of an expensive and complicated vignette: and that this improved style of copper-plate writing, when combined with an increased quantity and a more artificial arrangement of the words, both engraved and written, in each note, would remove in a great degree the temptation to crime by increasing the difficulty of its commission, and would thus prevent those numerous trials and frequent executions which shock the feelings of the humane and disgrace the character of the country; that, in the opinion of the petitioners, an additional and important obstacle to the success of those who now make a trade of forging and uttering Bank of England notes would be interposed by the simple expedient of affixing the king's stamp to each note; and the petitioners submit, that this of itself, without any alteration in the present mode or amount of the composition for the duty paid by the Bank, would afford to the public a familiar and easy mode of detecting forgeries; the petitioners, therefore, humbly pray the House to take this matter into their serious consideration, with a view of ascertaining whether, by these or by some other means, the forgery of Bank of England notes may not be prevented, or at least rendered more difficult."

On the motion, that the petition do lie on the table,

Mr. *Dugdale* said, he thought the case stated by the petitioners deserved the most serious consideration of the House.

Mr. *Grenfell* gave notice, that if the motion about to be brought forward by his right hon. friend should not succeed, it was the intention of his hon. and learned friend (sir J. Mackintosh) to move, some day next week, for the appointment of a committee to inquire into the forgery of Bank of England notes.

Sir *James Graham* stated, that half the Bank of England notes circulated in the three northern counties turned out to be forgeries. Therefore, those counties were the more alarmed by the apprehended attempt to force the circulation of Bank of England notes in preference to country Bank notes: for the latter were scarcely ever forged, because they were liable to be so readily detected; but the forgery of Bank of England notes was so frequent, that the grand jurors of the counties alluded to were quite shocked at the number of the bills of indictment preferred for felony. He hoped that this subject would meet with the serious attention of the House.

Mr. *Thompson* said, that no one could reflect without horror upon the multiplication of forgeries to which the present system gave birth. He was assured, that no less than thirty forgeries of Bank of England notes were detected every week at the several country banks. The Bank of England suffered no loss by these forgeries, but the poor and ignorant, into whose hands the forged notes fell, suffered most severely. Surely, then, some means should be adopted to put an end to the evil. The Bank might easily, he thought, contrive to call in all its old notes, and issue notes upon a new plan, and thus forgery would be checked, at least for a time. But was it not possible to devise some plate which could not be imitated? Every description of ingenuity should be employed upon such a subject. It was the peculiar duty of the Bank of England to do so. There were last year not less than 140 capital forgeries detected. To what sanguinary persecutions, then, must such a system give birth? The Bank directors might coolly in their parlour give orders for a prosecution, but they ought to know and feel that every such order was tantamount to an order for the death of a fellow-creature, and that the multiplication of these melancholy deaths was owing, in a great measure, to the bungling clumsy manner in which their notes were at present constructed.

General *Thornton* said, that he had two years ago endeavoured to draw the attention of the House to the subject, and he congratulated both the House and the country upon the impression which now so generally prevailed, as to justify the

hope of some remedy for the evil complained of.

Mr. *Dugdale* seeing sir James Mackintosh enter the House, asked the hon. and learned gentleman whether he meant to bring forward any motion upon this subject?

Sir *J. Mackintosh* answered in the affirmative, and said, that should the motion which his right hon. friend was about to bring forward this evening unfortunately fail, he would, in the course of the evening, give notice, for the next open day, of the motion alluded to by the hon. gentleman.

General *Gascoyne* said, that Bank of England notes formed the principal circulating medium at Liverpool, and that the state in which the notes of low value generally were, afforded facilities for forgery. Many of these notes were, indeed, so old and worn out from being long in circulation, that it was dangerous to fold them. In London notes were seldom found in such a state, because they could be easily exchanged at the Bank; and if some means were adopted for facilitating the exchange of notes in the country, he thought that something might be done to impede the operation of forgery; but much more efficacious measures must be adopted to prevent the great evils of forgery, if the nation was to go on with its present circulating medium.

The Petition was ordered to lie on the table, and to be printed.

STATE OF THE CIRCULATING MEDIUM —AND RESUMPTION OF CASH PAYMENTS BY THE BANK.] Mr. *Tierney* said, he rose in pursuance of the notice which he had given several weeks ago, to call the attention of the House to one of the most important subjects that had for a long period been brought under its consideration. He was afraid that he should be obliged to trespass on the patience of the House for a considerable length of time, but he could only assure it that to the best of his judgment he would avoid doing so for a single moment unnecessarily. He had no more to observe except that the nature of the subject, the time which its discussion would engage, and his own imperfect qualifications for the task which he had undertaken would require all the indulgence and kindness of the House to enable him to bring that subject fairly under its review.

The importance of the subject on which he was addressing the House must be at once felt when he stated that the purpose of his motion was, to ascertain the real state of the currency; to make it known what the people of this country and the people of foreign countries who were connected with them, were trusting to as the means of carrying on their respective dealings. The mere statement of this object was sufficient to exhibit its magnitude; and that magnitude was not diminished by the total abstinence from all consideration of this subject which had hitherto marked the present session. Many persons, indeed, were much perplexed by the interesting question—whether the country was at present in a state of prosperity or adversity? He should limit himself to the statement of the actual circumstances. What seemed undeniable was, that we had a funded debt (to speak in round numbers) of 800,000,000*l.*; and in this third year of peace, an unfunded debt of 40,000,000*l.* The total amount of our debt therefore was 840,000,000*l.*; which, as he apprehended, was rather an appalling consideration. But we were not, it was said, without some comfort in this unpromising state of affairs: we had a sinking fund of 14,000,000*l.*, and that brought us round to the side of prosperity. But then, again, it occurred, that it was necessary to borrow the whole of this 14,000,000*l.* or amount of the sinking fund, which recollection replaced us in a situation of adversity. But to set off this, we had the chancellor of the exchequer exulting at the advantageous terms on which he could obtain the loan, and that he (Mr. Tierney) presumed must pass to the credit of the prosperous side of our affairs.

Thus much as to the actual state of our circumstances. The next question which presented itself was—Ought this prosperity, if prosperity it was, to be bottomed on a paper currency not convertible into specie? Every man who heard him would, he had no doubt, say in answer "God forbid!" He believed that none even of the warmest admirers of the present system, not to refer to those who had hitherto supported the restriction on the ground of some special emergency, would venture to maintain that it ought. Were such a measure distinctly proposed, every man would declare his aversion to it. How happened it then that, in the third year of peace, the same measure of restriction on cash payments, which could

alone be justified by the extraordinary pressure of a most extraordinary war, was to be renewed? How happened it then, that the pledge given by parliament two years ago of the return to cash payments on the 5th of July next was about to be rescinded?

These considerations led him to the immediate object of discussion, namely, ought the restriction to be renewed in the manner proposed by the right hon. gentleman, the chancellor of the exchequer? The House must surely think that some extraordinary grounds ought to be laid for such a proposition, when it was recollected that on passing the bill two years ago all the grounds on which the original necessity for restricting the Bank from payments in cash was founded were abandoned. Now with regard to the new necessity, therefore, what was the showing of the chancellor of the exchequer? It was, that certain British merchants had evinced a disposition to embark in foreign loans, and that a great number of British travellers were indulging their curiosity abroad. Indeed he believed he might throw the travellers out of the question, for he had the authority of the right hon. gentleman for stating, that they had all returned—at least in the proportion of 78 to 99—for out of 99,000*l.* who had left England, 78,000*l.* had according to the right hon. gentleman's own statement, come back.—It was material here to recollect, that when the original measure for restricting the payments of the Bank was submitted to parliament, a minister at least as powerful as the right hon. gentleman who stood as high in the public confidence, and was certainly not inferior to him as a financier—the late Mr. Pitt—did feel it due to parliament, not only to inform the House of the grounds on which the necessity for the order in council that had been issued rested, but referred the consideration of those grounds to a committee above stairs. He did not think it enough, like the right hon. gentleman opposite, to come down to the House and to say at once, "I believe the restriction to be expedient, and therefore you ought to do the same." It was material also to revert to the actual state of public affairs when the measure was introduced by Mr. Pitt, and to contrast it with the state of things at present. In the year 1797, the Bank of England made a representation to government, that great drains were making on them, and the act suspending cash payments was expressly founded on the report of a committee stating, that those drains were occasioned by the exaggerated alarms, and unfounded panic, arising from political circumstances that at that period existed in the country. We were now, in the year 1818, at profound peace with all the world; with no alarm, no wish to hoard in any part of the community, no threat of invasion, no foreign subsidies, no army abroad on whose exertions (as used to be said) depended the fate of the civilised world. But for all these the chancellor of the exchequer's simple assertion was to be the substitute. Against drains, panic, war, invasion, subsidies, the spirit of hoarding and the hopes of the civilised world, the House had the belief of the right hon. gentleman, and nothing else. Now he objected against the right hon. gentleman's testimony; for he was an interested witness;—interested he would say, because the whole of his financial arrangements, their support and permanence, were built on the continuance of the principle of restriction. He did not mean to impute any improper motives to the right hon. gentleman, but, with every reliance on his honourable intentions, it was impossible, with this consciousness on his mind, that he could be free from bias in forming his opinion on the question under consideration. The fact was, that the right hon. gentleman had pledged himself, by his recent plan of finance, or conversion of stock, or loan, or by whatever name it might inaccurately be called (for there was no word in the English language descriptive of so complicated a transaction) to the continuance of the Bank restriction. No man could believe that the subscription would have succeeded but from the confidence entertained by those who engaged in it, that such was the minister's intention. The right hon. gentleman therefore was bound to continue the restriction; for otherwise he must break faith with men who confided in his projects and speculations. He had a direct interest in the passing of the Restriction bill, for otherwise it would be thought that he had deceived those who had embarked their money on that security.

But, had the House of Commons entered into no pledge? What did it, two years ago, tell the holders of Bank of England notes, who, on the faith of that pledge, might, during those two years, have entered into various securities and undertakings? It

assured them that on the 5th of July 1818, they should be paid in cash. It gave them that assurance in the solemn form of a legislative enactment. Even as late as the month of June last year, the right hon. gentleman himself assured parliament that the arrangement on the part of the public with the Bank would be carried into effect, and that the notes of the Bank would be paid in cash. All this was now, however, to be done away,—and by whom? By the House of Commons! The House was called upon, after these solemn declarations and enactments, to break faith with the public creditor—for it was nothing less. Would not the House at least previously inquire whether it was not possible to fulfil the engagement without detriment to the public interests?—He had said before that he objected to the chancellor of the exchequer's testimony on this subject, because it was impossible that he could be a disinterested witness. His accusation against the right hon. gentleman went further—he had now to accuse him not alone of not dealing fairly, but of dealing unfairly by the House. He (Mr. Tierney) was speaking to a body of gentlemen, who, perhaps, had never read the provisions of the bill which two years ago passed the House, and the object of which was to delay the resumption of cash payments for two years. What were the grounds on which that bill was founded? The delay it granted was founded, not on any supposed danger in our internal or external relations, but on the expediency of giving time to the Bank of England to make such arrangements as might in their discretion seem necessary to guard against any possible inconvenience in recommencing their cash payments. These words were inserted in the preamble, for the precise purpose of showing that there was no obstacle in the circumstances of the country to the resumption, and that without the possibility of further delay, on the 5th of July, 1818, those cash payments would be resumed. What would the House think when he assured it, that the very preamble of that bill passed two years ago, was also the preamble of the bill before the House?—There they had it, word for word, comma for comma, stop for stop. Nothing could be more amusing, if on a subject so serious, stage effect were desirable, than to call on the clerk to read them both. Neither the foreign loans nor the british travellers, which were the grounds on which the right hon. gentleman founded the necessity of the present bill were mentioned in its preamble, but the old ground was taken, although the Bank directors stated that they were perfectly ready and willing to pay immediately in money. In what a situation would the House be placed if it passed such a bill! It was about to vote that which stated that the Bank was not ready to pay, while the Directors were declaring that they were perfectly ready! It really would be almost an insult on the decent and solemn forms of legislation, to suffer the bill to become a law in its present shape, and on its present pretences. If the negotiation of foreign loans was the true ground for continuing the system on which we were now acting, why was it not so stated in the preamble? For his own part, he believed it to be an unfounded and exaggerated apprehension; but still it had the appearance of a reason, and ought to be inserted in the preamble of the bill.

But he should wish to know whether or not the Bank directors had been consulted on the proposed measure as expressed in the present bill? If they had been consulted, and if they had sanctioned it, then had they sanctioned that which was directly at variance with their own declarations. If they had not been consulted, why should not the House examine them as to the fact of their being prepared to pay or not? It was desirable to learn if they had ever made any representations to government on the subject of the foreign loans. As he perceived no sign of assent on the part of the right hon. gentleman, he concluded they had not. Let the House look, then, at the situation in which it was placed. In 1797 the Bank directors represented to Mr. Pitt that the drains upon them were such as to threaten the safety of the House, as it was called. A dread of similar effects had led to the continuance of the restriction down to the year 1816. A postponement of the return to cash payments was then determined upon, on grounds wholly distinct from the former; and the right hon. gentleman, so late as the last session, had declared his confident belief that cash payments would be resumed at the Bank on the 5th of July of the present year. In this statement all the Bank directors in the House concurred, at least if he might judge by their countenances—the only means by which the House could form an opinion of their

meaning; for a more taciturn set of gentlemen were not often to be met with. The complacency of manner with which they listened to the right hon. gentleman's declaration, proved either that they were of the same opinion, or that they were laughing in their sleeves at the monstrous nonsense he was talking. If they agreed in the right hon. gentleman's assurance, that cash payments were to be resumed, they could have had no apprehension from the effects of foreign loans. The right hon. gentleman must be assured that the French loan never would have been taken by an hon. friend of his (Mr. Baring), if it had been stated to him that government regarded it as a transaction that might prove prejudicial to the interests of the country. The right hon. gentleman he well knew, had been consulted by his hon friend on the subject, and from his being a Bank director also, the whole Bank must have known of his engagement in that loan. The House must therefore see that it was driven to inquire into these facts before it came to a decision on the important principle of restriction.

He must again ask were the Bank directors serious in their acquiescence last year in the assurances of the right hon. gentleman, or were they, which God knows he sometimes thought, laughing at the right hon. gentleman? If the latter, that was an abundantly sufficient reason for not trusting to the right hon. gentleman's belief on a question of this nature. If the House, however, consulted its own character and the mere decorum of its proceedings, it would not pass the measure with its present preamble. Indeed, he did not doubt that some hon. director would that night abjure the whole proposition on which the proposed enactment was founded, and aver that the Bank stood in no need of further preparation. The House was therefore called upon to legislate on a matter of the utmost difficulty and importance, on the speech of the right hon. gentleman—on a breath that passed away. Not a single syllable of the grounds stated by the right hon. gentleman was to be found in the proposed enactment. The bill abjured those grounds.

If he were to stop here, he should think he had made out a sufficient case for inquiry; but it might, perhaps not unreasonably be expected of him that he should suggest what he would propose for inquiry if the Committee were to be appointed. This brought him to the consideration of the foreign loans. It was the opinion of the right hon. the chancellor of the exchequer, that the disposition of certain merchants to engage in loans to foreign powers, had raised the price of gold, and that that rise in the price of gold was the object of just alarm; and to guard against the evil consequences of such a state of things, the right hon. gentleman had proposed to continue the restriction for one year more. Before, however, the House could admit the conclusion that those loans and the high price of gold were a sufficient justification of the proposed measure, there were several points which it was incumbent on every hon. member who desired to vote from conviction, rather than from a disposition to compliment the right hon. gentleman, to have clearly ascertained by an examination of persons competent to afford the necessary information; he meant such persons as were formerly examined on the original restriction bill, and subsequently on the bullion inquiry. He should first advert to the stress that was laid upon the high price of gold. And here he would give gentlemen the gratification of assuring them that he would abstain from all abstruse propositions; first, from the consciousness of his own inability; and, secondly, from a conviction that the last place in which such questions could be discussed with advantage was a popular assembly. His wish, nevertheless, was, to state intelligibly, if he could, what the points were which ought to be referred to a committee. And first, he would ask the House, if it was satisfied that all which had emanated from the Bullion Committee, should be set aside? Was it convinced that the price of gold had nothing to do with the quantity of paper in circulation? He trusted that he gave no offence in any quarter, when he alluded to the Bullion Committee. Though many might charge the Bullion Committee with too extensive a reliance on one principle, and with not attending to all the circumstances that influenced the price of gold, he believed there was no intelligent man who did not believe that an excessive issue of paper must have a certain operation on it. In order, therefore, to clear away every thing that obstructed a fair consideration of the subject, it would be first necessary to inquire what was the probable amount of the increase in the

price of gold that was attributable to the issues of paper. Having disposed of that first point, it should be considered, whether other circumstances affected that price. The Bank, it was generally believed, was at present in possession of a greater quantity of bullion than it had ever had in its vaults at any former period, and to which it was presumed the Directorst rusted, when they professed their readiness to pay in coin. Now, if you took from the market, an article in demand, as well from your own purchases as from other circumstances, must not the amount subtracted, and by the measure of restriction precluded from circulation, most materially increase the price of that article? The issue of bank paper, and the amount of gold in the possession of the Bank must each, to a certain extent, operate on the price of gold. There was a third course productive of a similar effect, arising from the difference between the present silver and gold currency. He begged to be understood as not dogmatizing. He spoke as an ignorant man earnestly desirous of information; and it required no other quality than modesty to induce others to participate in the same desire. The proportion of value between the two currencies before the last coinage was as 15 and a fraction to 14 and a fraction. The difference now amounted to *5l.* 18*s.* per cent; a difference which must enhance the price of gold; for until silver reached the price of *5s.* 6*d.* per ounce, it could not be exported as equivalent to the gold. It was, therefore, a question entitled to consideration, to ascertain what effect all these three causes produced on the price of gold. If the excess of the bullion price of gold was, as he believed, four shillings in the ounce above the Mint prince, must not a large proportion of that excess be attributable to the other causes which he had mentioned, and not to foreign loans? If so, it was a circumstance that required the most grave and mature consideration of the House. And with respect to the foreign loans, he would ask the right hon. gentleman whether six months ago, at the moment he spoke with such certainty of the Bank resuming its payments, he did not know that those loans were in contemplation? There was not a particle of difference between the loan then negotiated, and the loans which were expected to be negotiated. The right hon. gentleman seemed to take fright at the term loan, but whether they were loans, or remittances to purchase in the French funds, government must have been aware of them as they had the sanction of the noble lord opposite; and to whom he (Mr. Tierney) was individually obliged, having recovered as a claimant money which he had never expected to receive. But if this disposition to invest money in foreign stock alarmed the right hon. gentleman, the chancellor of the exchequer, was it not of his own creation? He had exerted himself successfully in raising the funds in this country, and consequently in lowering the interest of money. Was it not then very natural that the capitalists should take the advantage of the rise in the price, and transfer their capital where they could obtain a higher rate of interest? But if these questions were to depend on the negotiation of foreign loans, where were the apprehensions respecting them to end? It was true, the restriction was proposed only for one year. But what security had the House, that when the bill was about to expire the same alleged necessity might not again present itself? In this country, when there was a loan, the money was borrowed first, and the interest was provided for by parliament; but in France the case was directly the reverse. Instead of stating what amount of capital they required, the French government announced the amount of *rentes* or annuities they had to dispose of. They were at liberty to postpone or put off the arrangement until they thought they could obtain the most advantageous terms. When, therefore, they heard of a large loan for France, it was not to be presumed that the money was wanting immediately. At present every thing seemed to go on flourishingly in France. The stocks were up; which, as there was no paper currency, was a fair measure of prosperity. While we were talking here of prosperity, and had nothing but paper, the stocks fell; whereas in France, while they were talking only of adversity, and had no paper, the stocks rose. It was most probable that the French minister would wait until the funds had increased in price before he brought the annuities to be negotiated for to sale. The transaction might not happen for nine months. We should at that time be precisely in the very situation in which we were now supposed by the right hon. gentleman, the chancellor of the exchequer to be placed, and on which he founded the necessity of the renewed restriction. If so, was the House again to

have the right hon. gentleman's bill, and for the third time his preamble? He could not help thinking, that if the government of France were to require a delay of a few months for the payment of the amount of the indemnifications, public and private, under admitted securities, that the allied powers would most likely, and in his opinion most wisely, abstain from pressing the demands immediately. If such an arrangement should take place, the same apprehensions would again be urged against the resumption of cash payments; so that it was impossible to say when the restriction might be got off. The right hon. gentleman had calculated the loan that France wanted at 10,000,000*l.* sterling. Taking the amount of indemnifications to foreign governments and individuals at 20,000,000*l.* sterling (valuing the French stock at 68), the total amount of money wanted by France was 30,000,000*l.* Now, to what extent was it to be supposed that this country would contribute towards such a loan. He had no hesitation in saying, and he put it to the candour of the right hon. gentleman, that in the present confidence which was entertained with respect to the French finances, a very large sum would go from other countries. It was obvious, indeed, that this would be done by great capitalists, in order to obtain the present high rate of interest in the French funds.

Among other descriptions of information that he was desirous of acquiring on this subject, he wished to know whether or not he was to understand (as it had been stated in some of the public journals to have been declared by the duke de Richelieu), that the claims of individuals on the French government, whether those individuals chose it or not, might be liquidated by their receiving stock in the French funds. For instance, a Prussian, or any other foreigner, having a claim on the French government for any sum, might be told that he should be paid not in money, but in stock; a proceeding which might be so conducted as to be wholly unobjectionable. Thus, if such an individual had a claim on the French government for a hundred pounds, the manner in which that claim was to be liquidated, might be to take the value of the French stock, the five per cents, say at 68, and to give him as much of that stock as if sold would produce his hundred pounds. In that case there would be no transmission of money, which would counteract the necessity of a loan. The chancellor of the exchequer seemed to smile at his ignorance, but he should like to hear the right hon. gentleman explain how it could be otherwise than so. This was at any rate a question deserving serious consideration, and ought to be referred to them who were competent to investigate it. Another question, and a very important one, connected with the French loan, was, whether after the proportion that was to be furnished from this country was properly estimated, it was to go all together in gold or not. Was no part of it to go in goods? Part of it would, no doubt, go in the way in which it would be most convenient for the remitter to send it. To say that the whole of it must be remitted in gold, and that therefore the price of gold must be proportionably raised, would be just as absurd as to say that a contract made to supply a foreign army with bread must raise the price of flour in England, when it was known that such flour might be procured by remittances on the spot where it was to be used, or that cottons might be shipped for the purpose of purchasing it. But if the loan to France was actually to be paid in gold, he was at a loss to conceive why the means of so remitting it, should not be afforded by the resumption of cash payments on the part of the Bank of England. No mercantile man would deny that such a proceeding must, by improving the exchange, be productive of great commercial benefits. It was not to be supposed that the gold thus sent out would not return. Unless there was something in the air of this country repulsive of that metal, if gold went out gold would come back. This was therefore an additional ground for the resumption of cash payments by the Bank of England. Let the Bank of England send out large quantities of gold from their coffers. That would alter the rate of exchange. The Bank would have no difficulty in purchasing gold to replenish their coffers, though certainly at some loss. But the question for the House to determine was, which was best—that Great Britain should lose the character for good faith which she had hitherto maintained, or that the Bank should be compelled to disgorge a part of the enormous profits which it had made from the country at large? Was it more desirable that the public credit should be preserved, or that the Bank, having accumulated millions upon millions, without having contributed in the smallest degree

to the national expenditure, should be enabled to persevere in that system? At any rate this was another fit subject for inquiry. It ought to be ascertained whether, in the opinion of those who were best informed on the subject, gold might not with advantage be sent abroad—whether that would not alter the rate of exchange in our favour—whether that gold would not in all probability return—whether it might not be repurchased by the Bank—and whether all this machinery would not continue in motion without danger or inconvenience, there being no danger that during peace it would be stopped or impeded by any recurrence of that disposition to hoard gold, which naturally existed during the war? And as to the loss which the Bank would suffer by the transaction, it was a loss to which in common honesty they were bound to submit. Supposing that the Bank had ten millions of gold in their coffers; if it were all to go, and if they were to repurchase it at a sacrifice probably of five per cent, that would be on the whole a loss of half a million. And what of that? The Bank had made twenty-one millions by the country; and was the country now to be told that its whole commercial system was to remain in an injurious and unnatural state, because the Bank would not relinquish the smallest portion of their profits? These were subjects which required consideration. There was no man who could deny that they demanded consideration. Let any man in that House ask his neighbour on the same bench, what his opinion was with respect to them. No two individuals would be found entirely to agree upon them. And yet the House was called upon to jump the difficulty, and to pass the bill, allowing the restriction on cash payments by the Bank to continue another year, on the simple statement by the chancellor of the exchequer, that such a measure was expedient, and without any previous investigation.

On these grounds he maintained, that, with respect to this part of the case, he had made out a good ground for inquiry; for sure he was that there was not an honourable member who heard him, that could get up and say that he had completely made up his mind on the subject. —The result of such an investigation as that which he recommended, would be, either that the Bank was capable of resuming its cash payments, or that it was not so. In the former case, a great good would be achieved for the country; in the latter, the House would get an insight into the real state of our trade, finances, and circulation, which would abundantly reward them for their labours, and which must ultimately be highly conducive to the public benefit. In saying that the Report of the Committee of Inquiry might be that the Bank ought immediately to resume their cash payments, he by no means meant to say that such would be their report. Still less would any honourable member who voted for the appointment of such a committee be pledged to that proceeding. All that he would do by such a vote, would be to give the means of ascertaining how the facts stood. The chancellor of the exchequer said, the Bank ought to be restricted from paying in cash for twelve months. A committee of inquiry might be of opinion that the cash payments might be resumed in a shorter period. But whatever might be the result of their investigation, in some way or other the question would be set at rest.

With a view to persuade the House of the expediency of inquiry, he would urge the little probability, if they agreed without any inquiry to pass the right hon. gentleman's bill, that the Bank would ever resume cash payments. If the restriction were not at once rendered permanent, it would at least be continued from year to year. The House might depend upon it that this was not the last year in which it would be required. If the House now acquiesced in it as a matter of course, as a matter of course it would be proposed again. This was evident from the progress of the restriction acts. He would not trespass on the patience of the House by entering minutely into the history of that progress, but he would simply advert to the answer made two years ago by the right hon. gentleman, to an honourable and learned and valuable friend of his (Mr. Horner), whose loss the country had the greatest reason to deplore. When his hon. and learned friend recommended the reduction of the period of the Restriction bill from two years to one year, the reply of the right hon. gentleman was, "No; let us make it two years, for that will look as if we were in earnest in our determination to put an end to the restriction in that time; whereas, if we make it only one year, people will say there is nothing in it." That was the distinct answer

given by the chancellor of the exchequer to his hon. and learned friend. He begged gentlemen now to recollect, that at the end of the two years they were called upon, notwithstanding this observation of the right hon. gentleman's, to prolong the restriction for one year more. Under such circumstances there was no man of common discernment, who could doubt that if such a measure were adopted without inquiry there would be an end to all probability that the Bank would ever pay in gold again. For what was to be expected in the next year that could make any material difference in our financial condition? There was every reason to believe that a loan must be resorted to in the next year as in this. What reason was there of any other kind to warrant the supposition, that there would not exist in the mind of the right hon. gentleman and on the part of the Bank, the same disposition next year to renew the restriction as was manifested at the present moment?—It was a common reproach against the legislation of this country, that nothing was ever settled until the last instant. Here was the House on the 1st of May, discussing the expediency of the resumption of cash payments, which the existing act said, if it took place at all, must take place on the 5th of July. He was quite aware it would by some be contended, that the intervening period might be too short to afford the Bank a sufficient opportunity for providing for the resumption. But this he contended—that if parliament thought fit to enlarge the term, they ought to do it in such a way as to show the Bank that they were in earnest in their determination to enforce the return to cash payments at the expiration of that enlarged term. Hitherto the Bank had judged rightly with respect to the intentions of the House—they had judged that they were never in earnest on the subject. If the House should now agree to the continuance of the restriction as a matter of course, the Bank would treat as lightly as heretofore the provision that their payments in cash should be resumed at a certain period. It was most desirable, therefore, and would be productive of infinite good, were the House by previous inquiry to mark that they were in earnest, even were they to extend the restriction for twelve months longer.

He was perfectly aware that there were persons in the country who were alarmed at the prospect of the resumption of cash payments by the Bank of England. Those persons apprehended all sorts of horrors from that circumstance—that nobody would receive his rents, that the funds would be reduced to Zero, and that there would be a general bankruptcy. Suppositions of this kind were artfully circulated by some, and two greedily swallowed by others. The uncertainty that existed on this subject was a source of great encouragement to all speculators and gamblers. One of the principal evils of the present system was that there was nothing secure and solid in it. No man knew what was to come next. He was convinced that the fluctuation of the funds during the last eight or nine months arose chiefly from the uncertainty whether or not the Bank restriction would be continued. It would be much better to say at once that the restriction should be permanent, than to go on year after year extending it; because, whenever it was extended for a year, after the first six months of that year a variety of rumours got abroad as to the probability or improbability of the resumption's being insisted on at the end of the year, and numerous opportunities were thus afforded for gambling and speculating. Among the chief speculators he must say, although he by no means wished to say it offensively, he could not help ranking the right hon. the chancellor of the exchequer. The speculation of the right hon. gentleman was —whether or not he could keep the existing circulating medium of the country up to that point to which it had attained by the continuance of the restriction on the payment of cash by the Bank of England. For that the right hon. gentleman lived; he dreamt of nothing else; for on so keeping up the circulation depended the whole of his financial arrangements. In order to form any thing like a correct opinion on this part of the subject, it would be necessary to inquire into the issues of Bank paper. This Bank paper, not being convertible into cash, the only criterion by which the excess of the issue could be distinctly and accurately ascertained was lost. He believed, however, that all who heard him would agree that there had been an excessive issue—except indeed the Bank directors. Those gentlemen would no doubt say, that they did not believe so; they had a criterion of their own, which was, that as long as they issued money on good bills, that was, as long as they exchanged notes not con-

vertible into cash for good bills, or for exchequer bills, all was right. They had, in fact, a most confused notion of what a good currency was. They contended, that there was no fear of their acting improperly, since, in former times, their conduct had been correct.

The fact was, however, that a check was provided in the nature of the thing, against a very excessive issue, by the return of the notes on the hands of the Bank whenever they became too abundant. No thanks were due to the Bank for this limitation arising out of circumstances which they could not control. They said that the country had experienced no difficulties or inconveniences from an excess of paper. No; because it could not. The Bank themselves cured the evil without being aware that they did so. They were in the condition of Molière's Bourgeois Gentilhomme, who who had been speaking prose all his life without knowing it. It was a fact, however, that since April in last year, the Bank had increased their issues of paper in an extraordinary manner. Being called upon to prepare for the resumption of cash payments, they showed their experience and discretion by immediately increasing the number of their notes in circulation! By the returns on the table of the House it appeared that during the half-year ending on the 5th of January last, the Bank paper in circulation, as compared with the amount in circulation during the half year ending on the 5th of January 1817, had increased no less than two millions and a half; and that in the face of the lessening demand of the country—in the face of the enlarged issues of the country bankers—in the face of their own diminished discounts, diminished from their charging a higher discount than any private banker in London! Was there a man who could fairly say that the Bank ought not to be called upon to account for this extraordinary conduct?

Of the proper state of the circulation of the country, the right hon. the chancellor of the exchequer happily had a criterion. If he could show that that right hon. gentleman had directly violated his own criterion, he should think himself entitled to call on the House to pause before they proceeded in the course recommended to them. The criterion of the right hon. gentleman was to be found in a resolution on the Journals of the House, which he had moved in answer to a resolution proposed by his late hon. and learned friend to whom he had already alluded. The words were these: "The amount of currency necessary for carrying on the transactions of the country must bear a proportion to the extent of its trade and its public revenue and expenditure.*" The object of the right hon. gentleman at the time he moved that resolution was, to show that the amount of Bank of England notes in circulation in 1811, was not disproportionate to the amount in circulation in 1797, in answer to the allegation of his hon. and learned friend that the issue was excessive. The right hon. gentleman summed up the exports and imports, the revenue, and that which was technically called the budget, and said that to meet that amount such and such was the issue of Bank notes in 1797. He did the same with reference to the year 1811, and he thence inferred from the enormous increase of trade, revenue, and expenditure, that so far from that issue being excessive, it fell short of the amount required. For his own part, he did not think much of the right hon. gentleman's argument at the time; still it was the right hon. gentleman's criterion of the proper amount of Bank paper in circulation; and it became the criterion of the House, for the House adopted the resolution moved by the right hon. gentleman, and in which that criterion was comprehended.

On the principle of that criterion, to see how matters stood at present, he (Mr. Tierney) had made out, from the documents on the table, a statement of the difference in the various points to which the right hon. gentleman's criterion referred, between the years 1816 and 1817. By that statement it appeared, that in 1816 the imports and exports added together, amounted to eighty-one millions and odd: in 1817 they amounted to eighty-seven millions and odd, being an increase of 5,747,000*l*. In 1816, the revenue amounted to fifty-seven millions and odd;—in 1817, to forty-seven millions and odd. In 1816 the budget was twenty-five millions and odd; in 1817 it was twenty-two millions and odd. Thus it appeared, that in 1816, the revenue and budget together, amounted to eighty-two millions and odd; in 1817 only to sixty-nine millions and odd. Consequently, if the diminution in 1817 of the revenue

* See Vol. 20, p. 73.

and budget were deducted from the excess of exports and imports, it would be found that in 1817 the sum to be met by the circulation was less than in 1816 by 7,200,000*l.* What was the state of the issue of Bank notes at both those periods? In 1816, the average amount in circulation was 26,500,000*l.*; in 1817 28,200,000*l.* So that, although there was a diminished demand of above seven millions, there was an increased supply of near two millions! But was that all? By no means. In the right hon. gentleman's estimate, founded on his own criterion, he had omitted to notice the paper issued by the country banks. How stood the question with respect to them? In 1816, the quantity of country bank paper in circulation was less than it had been for many years, and no man could doubt that last year it was greater than it had been for many years. It was impossible to speak accurately as to the extent of the increase from 1816 to 1817. He was sure that he estimated it very moderately when he took it at a third of the whole amount. The average quantity of country bank paper in circulation was twenty-one millions. The increase of a third, therefore, would be seven millions, which seven millions would be to be added to the increase in the amount of Bank of England notes. The result of the whole was, that although in 1817 the demand for circulation (according to the right hon. gentleman's own criterion, and the criterion adopted by parliament) was 7,269,000*l.* less than in 1816, above 9,000,000*l.* more of paper was in circulation! Was there any man of common sense and common honesty who would say, after this, that inquiry was unnecessary? This question naturally arose—what became of all this money? There was only one way in which it could be absorbed, namely, by raising the price of every thing. Could any man doubt that the rise in the price of stocks had been occasioned by this circumstance?

Adverting to the bill which the right hon. gentleman had introduced into the House respecting the country bank paper, and which had been characterised as a grand financial measure, he observed, that it had excited a just alarm in the mind of every man in the kingdom. The effect of it, had it been adopted, would have been to drive a great many of the country bankers out of their business. For his part, he believed the country bank paper, generally speaking, to be a sound and useful currency. Nothing could be more objectionable than the purpose of the bill to which he alluded, namely to prevent a man from using his own credit in his own way. A security was required which there existed no right to require. Parliament had a right to prohibit the bankers from issuing one and two pound notes, if it was thought that their circulation was detrimental to the general interest; but parliament had no right to exact any security for the payment of such notes. Those who supported the measure had adverted to the number of failures that had taken place among country banks, and had said that two hundred out of seven hundred of those banks had given way. So far, however, from there having been any increase in the number of failures in the last year, the reverse was the fact. In 1816, it was true that a considerable number of the country bankers had failed, but it was a mistake to suppose that those failures were followed by a total loss to those who held the paper of the banks in question. Great misapprehension also prevailed on this subject in consequence of a number of the licences to country bankers having been withdrawn. An unfair influence was deduced from that circumstance. The way in which those licences were granted was this—it was the usage for an established bank in any large provincial town, for the convenience of their customers, and for the better circulation of their paper, to send clerks occasionally to the inferior market towns in their vicinity, for whom it was necessary to procure licences. A diminution of business had induced many of their establishments to diminish the number of subordinate persons thus employed, and of course to relinquish their licences. He knew one banking establishment in the country by whom twelve licences had been obtained for the purpose he had described, but who relinquished five of them. From this statement it was evident, that no inference such as that which had been drawn from the diminution in the number of licences was well founded. The whole number of country bankers who had failed since 1814 amounted only to sixty. Was that much coming out of such a war as we had for so many years been engaged in? He doubted extremely if the London bankers who had failed within the same period had not failed for a sum at least as large as that in which all the country bankers who had failed were deficient.

There were two objects which the right hon. the chancellor of the exchequer appeared to have in view in the bill which he had introduced relative to the country banks. The one was, the recognition of the continuance of one and two pound notes, whether the Bank of England resumed their cash payments or not; the other was to pave the way for the issue of government paper. On the first point he (Mr. Tierney) could give no opinion. It was a matter fit for inquiry. No man could know how it stood until it had been thoroughly investigated. But the assumption of the right hon. gentleman set at defiance all investigation. He confidently declared that the metallic currency of the country could not be sufficiently kept up without the assistance of these one and two pound notes. In the teeth of all the former experience of this country—in the teeth of all the present usage of the other countries of Europe, the right hon. gentleman ventured to make this declaration. He (Mr. Tierney) was at a loss to know why England could not keep up a metallic currency without these small notes, when he saw France keep up a metallic currency without any notes at all. At the same time he did not say that the right hon. gentleman might not be correct in his opinion; but he did say that it was a subject which ought to be inquired into; and that the right hon. gentleman was not authorized, without investigation, to assume a principle that was contrary to all precedent and experience.

With respect to the other object which he believed the right hon. gentleman had in view by his bill, namely, to pave the way for the issue of government paper, he would ask the House what would be government paper, if the country bank-notes issued under the proposed regulations of the bill were not so? The proposition of the right hon. gentleman was; that no country banker should issue notes of the value of one and two pounds until he had deposited double their value in the hands of the commissioners for the reduction of the national debt, and that his notes should have a government stamp on them as a certificate of their validity. Would any body, under such circumstances, trouble himself to inquire whether a note was from the Chester, or the Exeter, or the Doncaster bank? No; he would see that the government stamp was on it, and that would satisfy him. It was impossible not to feel that this was for the purpose of preparing the way for the issue of government paper; and he was persuaded that in a few years the House would find this to be the case. It was natural enough for government to say "as we can circulate the paper of other people, why not circulate our own; why can we not do this as well as the Bank of England?" The right hon. gentleman shook his head; but then the right hon. gentleman had two ways of shaking his head—one was when he thought he could silence an opponent by shaking it, the other when he despaired of being able to carry a favourite measure. Whether the scheme to which he had alluded was actually in the contemplation of government he knew not, but he thought it highly probable.

There was another thing to be considered. Any person, for thirty pounds, might take out the licence which, according to the bill proposed by the right hon. gentleman, and under the regulations of that bill would authorize him to issue one and two pound notes. No man could by anticipation say what might be the consequence of such an inundation of country paper as this would permit. Again he put it to the House—were not these matters which demanded the most serious consideration? It was true that the right hon. gentleman had postponed his bill for a year; but it was also true that he had avowed he had it in contemplation then to proceed with it. It behoved the House therefore to pronounce an opinion on the measure, but it was impossible they could form an opinion without a previous and deliberate investigation.

There remained little for him to say except on the subject of the mischiefs which some persons apprehended from the resumption of cash payments by the Bank of England. To a certain extent he was willing to admit that those apprehensions might perhaps be well founded. He did not believe however that any violent shock would occur. He by no means supposed that the Bank would try to secure the continuance of the restriction by making the resumption of cash payments as difficult and as dangerous as possible; and he was convinced that if the Bank sincerely applied themselves gradually and gently to prepare for that resumption, although undoubtedly a great diminution must take place in the existing circulation, yet it would not be productive of any of those

fatal consequences which it was the fashion with some persons to apprehend from it. But, if there were no other grounds for going into an inquiry, the expediency of trying if a committee of that House could not chalk out some course by which the Bank of England might resume their payments in cash without endangering the tranquillity and welfare of the community, would be one amply sufficient. Indeed, were he asked how such a committee as that for the appointment of which he was about to move could best employ itself, he would say, in endeavouring to devise the means by which the cash payments by the Bank might be gradually brought about, and a limit put to the issue of paper, so as to facilitate those objects without risking any serious shock. This he believed might be done; but he also believed that it could be done only by a committee composed of intelligent individuals, who would calmly and dispassionately enter into the investigation of the subject, and collect all possible information upon it from those who were the most competent to the task of affording such information. On a former occasion the right hon. the chancellor of the exchequer had asked what complaint there could be against the rise in the price of stocks, as that in the end would enable government to compel the holders of five per cents to accept of three and a half. His objection to this was, that it was unfair towards the holders of five per cents that they should thus be paid off, not as the consequence of increased national prosperity, but because the market at the Stock Exchange had been raised by artificial means. The right hon. gentleman smiled; but he was glad to see that the right hon. gentleman was the only man in the House who smiled; for he repeated, that he held this to be a most unfair proceeding. Let the House consider how unequally and unfairly the artificial elevation of the funds operated. In the course of seven or eight months, the funds had been raised to twenty or thirty per cent. Who were the gainers by this rise? The great capitalists. Those who had the command of money. Into their pockets went all the profits of this temporary and accidental occurrence. But what was the condition of others? For instance, in what a situation were trustees holding the money of minors? They saw the high prices of stocks passing them without being able to avail themselves of it; and when those for whom they acted came of age, some ten years hence, the bubble would then have burst, and they would have the mortification to reflect on what they might have acquired under other circumstances. A great deal had been said of the facility which the rise in the funds gave to country gentlemen to borrow money at a moderate interest, for the improvement of their estates, and for the construction of roads, bridges, canals, and other public works. All this might be very good. But a day would come on which this money must be repaid. In his opinion, the facility so much boasted of, was calculated to entangle and embarrass those who availed themselves of it. It afforded an advantage to artful and designing, over innocent and unsuspecting men. The consequences would be highly mischievous to all who had real property to lose, as well as to the merchant who had hitherto acted on the broad basis of fair dealing. The old system of English policy ought not to be abandoned unless in a case of extreme and indispensable necessity. Let the House remember that the restriction on the cash payments had from time to time been imposed on the ground of necessity alone; and let them prove the sincerity of their motive in agreeing to it on those occasions by now entering into an accurate investigation of the subject, and refusing to continue the restriction unless a clear and undeniable case of necessity could be made out. If they voted as the chancellor of the exchequer wished them to vote, there would be an end, and there ought to be an end, to the character of the country. It was that which was at stake. All principle would be set at nought by such an acquiescence, which would merely show the disposition of the House to bow to ministers, and to accede to any proposition without inquiry, however pregnant with unfair and dishonourable consequences. Every country in Europe, but England, was turning its whole attention to the state of its finances; and glad to avail itself of the return of peace, was adopting plans (whether they were wise or not was not then the question) to repair the evils which war had occasioned. England was the only country in the world that, after three years of peace, made no attempt of that kind; and the legislature of which, was about, on the mere assertion of the right hon. gentleman, that it was expedient to do so, to postpone the evil

day for another year! If the House would vote that, they would vote any thing. If they would vote that, there was an end to all security for property of whatever kind. Every man would be exposed to the loss of his all; and however small that all might be, still to the individual deprived of it, the injury was as severe as if his means were most ample. The honour of the country would be sacrificed. It would be distinctly proclaimed to the world, that he who had dealings with England, dealt with a debtor of whom no man could say, that he discharged his debts honestly. At least, it was material to the character and honour of the country, that the question should be set at rest in some way or other. If the House was partial to the present system, let it say so. If gamblers and speculators were to enjoy its favour, let it again pass the Restriction bill, and again give those gentlemen the opportunity of exercising their vocation. But let it not believe that while it continued such a system it could recover the respect of the world, or set the financial affairs of the country to rights.

There was another consideration which it might not be useless to press on the attention of the House. Such was the restless and unsettled state of man, that it was the duty of parliament in peace to provide for the return of war. Every year the country necessarily advanced more nearly to a state of war; and if war found it with a debt undiminished, and with cash payments not resumed. from that day there would be an end to the British empire. Nay more. By pursuing the present system war would be provoked. Other nations would be provoked to attack us.—Why should England be the only country afraid to face its difficulties? The continental nations had not allowed any apprehension to prevent them from probing their affairs, and they were beginning to feel the advantages of such a proceeding. The noble lord opposite was, on a former occasion, very profuse in his high-flown statements of the situation of this country as compared with any other in Europe. England, the noble lord said, was the land flowing with milk and honey, where every man could sit down under his own vine; and France was overpowered and humbled. But now France—degraded France—had faced her difficulties, she had braved the storm, and her government had brought forward a budget calculated to relieve her by degrees, from the condition into which she had been plunged by circumstances; while the British chancellor of the exchequer constructed his miserable piece of machinery to enable him to borrow three millions, and asked that House to abstain from compelling the resumption of cash payments by the Bank, because the drain of money in consequence of a foreign loan would render such a measure embarrassing! And why was this avidity shown in England to subscribe to a foreign loan? Was it not a proof of a great and an increasing confidence in foreign credit? Whence could this confidence arise? Did it not proceed from seeing that France was under a wiser government than this country—a government that dared to sift its finances, to show at once its necessities and the resources which time would bring to their supply—a government that had sufficient manliness to transact every thing above board, to call things by their proper names, and to allow that two and two made four. The House was then debating a proposition which the House of Commons of twenty-four years ago would have laughed at any one who should have predicted would ever be under the consideration of parliament. Never would it at that period have been believed that the day would come when a chancellor of the exchequer, not very remarkable for his financial authority, would induce the House of Commons to continue the suspension of cash payments by the Bank of England, by telling it that the merchants of the country were sending their money abroad to lend to foreign states, and that therefore all the principles on which Great Britain had, until that period, maintained her credit, must be abandoned, and an attempt made to support that credit on a paper not convertible into cash.

It only remained for him to state to the House what were the points to which, in his opinion, the committee that he proposed to institute ought to direct their attention. He would not have them meddle with the internal affairs of the Bank of England. Had he intended that, he should have moved for the appointment of a secret committee. But he wished that they should examine whether any public inconvenience was likely to result from the resumption of cash payments by the Bank. He wished that they should report what would be the most convenient and expedient time at which that resumption could take place, and to

suggest the most wholesome means for securing its taking place at that period. He was desirous that they should also enter into the subject of the danger or inconvenience that might be incurred by the remittance of gold abroad; as also into the causes operating on the price of gold. It would be likewise advisable that they should inquire what was the probable amount of the gold remitted to the continent in consequence of foreign loans; as well as what might be the effect of the Bank sending out gold and repurchasing it; as also of the probable amount of the loss that would be occasioned to them by the operation. A great part of the Austrian loan was remitted in goods, under the direction of Mr. Bowyer. All these subjects must be fully investigated before the House could come to any decision that would be satisfactory either to him or to the country. At present every man had his own particular theory. There were, no doubt, individuals who believed that it was desirable to defer for another year any inquiry into the subject of our finances, and any change in their regulation. For those who sincerely entertained that opinion, however much he differed from them, he felt respect. But the mass of the people of this country were of opposite sentiments. They wished from their hearts that the whole system should undergo a thorough investigation, and be restored to its original and healthy state. What he proposed would lead, not to a sudden, but to a sound conclusion. All he asked the House was, before it decided on the proposition comprehended in the right hon. gentleman's bill, to take every adequate means of ascertaining from the opinions of intelligent and well-informed men, whether the adoption of that proposition would be conducive to the public good.

He could not conclude without thanking the House with unaffected sincerity for the candid attention with which it had listened to the observations which he had thought it his duty to submit to it. He would now move,

"That a Select Committee be appointed to take into consideration the State of the Circulating Medium, to examine whether there be any and what necessity for the further continuance of an act passed in the 56th year of the reign of his present majesty, restraining the Bank of England from payments in Cash; and to inquire whether any and what Restrictions on the issue of Promissory Notes by licensed bankers be fit to be adopted; and to report the same, together with their observations thereupon, to the House."

The *Chancellor of the Exchequer* rose, to state the reasons which induced him to dissent from the right hon. gentleman, and in doing so he should occupy as little of the time of the House as was consistent with the subject. He was glad to find that the right hon. gentleman had put his case on broad and general principles, rather than on arithmetical calculations, applicable to precise and defined circumstances. He could not see any necessity for the appointment of such a committee as that proposed by the right hon. gentleman, by the inquiries of which, the House should be guided with respect to the propriety of continuing the Restriction act for another year. He felt great satisfaction, that since he had last spoken on this subject, what he had then stated as probable to occur had occurred, and he should now address the House, and call upon them to form a judgment as to the propriety of continuing the Bank Restriction, not on conjecture, but on what had actually taken place.

The right hon. gentleman had stated the grounds on which he proposed the appointment of a committee, and next the nature of the inquiry into which he proposed that they should enter. The first of the subjects into which the committee were to inquire was, the nature of the effects which foreign loans were calculated to produce in this country on the price of gold. They were then to deduct from the effects produced by such foreign loans on the price of gold in this country a variety of circumstances. They were to deduct the effect produced on the price of gold by the withdrawing by the Bank from the market of that quantity which they had amassed, in order to prepare for the resumption of cash payments. They were also to deduct the effect which the excess of the issue of Bank paper had produced. He should leave it to the consideration of the House, whether these were subjects on which they could be expected to arrive at such a degree of certainty of conclusion as to justify making them the subject of the inquiries of a committee. The result of the inquiries of a committee on such subjects would indeed be most unsatisfactory. When the variety of causes which might be said to contribute to produce the high

price of gold was considered, it was evident to him that the result of the inquiry would be only to leave the subject in greater doubt and uncertainty than before. In illustration of that opinion he need only refer to the inquiry by the bullion committee, which, however ingenious and laborious, had led to no practical result.

The right hon. gentleman had assumed as a fact, that there was an excessive issue of Bank paper, and he assumed this on the fact of there having been an increased issue of paper during the last half year. The right hon. gentleman had taken as a criterion the proportion which the Bank notes bore to each other at different times. He had assumed, that, because the Bank notes issued up to a certain period had amounted to a certain sum, which he conceived to be equal to the aggregate of the trade and revenue of the country, and because the notes issued within the last half year had exceeded that sum, there was necessarily an excess of Bank notes now in circulation. But the data on which the right hon. gentleman founded his calculations were necessarily imperfect and unsatisfactory. The right hon. gentleman had left out of his aggregate one of the most important of all trades, namely, our internal trade. It appeared that our foreign trade had considerably increased last year. There had been an increase of six millions in the aggregate of our exports and imports. But our internal trade had increased in a much greater proportion. Every man at all acquainted with the internal state of this country must know that its internal trade had never been so greatly distressed as it was in 1816, and that it revived in a most wonderful manner in 1817. One criterion for determining the increase of our internal trade had been pointed out by the right hon. gentleman himself. The issues of country notes had increased in a very great proportion last year. But why had they increased? Because a reviving trade called for increased issues. But another cause might have augmented the issues, and that was the purchase of gold by the Bank. The right hon. gentleman had stated, and stated truly, that the Bank possessed a very large treasure, and that they had been amassing that very large treasure during the last twenty years. As this was a subject not open to investigation, the amount of that treasure could not be ascertained by the House, although there was no doubt of the fact. But how, he would ask, could the Bank amass treasure but by the issue of their own notes? The advances of the Bank to government had also been assigned as a cause of the increase of Bank paper. But the House had the satisfaction of knowing from accounts on the table, that the advances of the Bank to government had not caused any such increase; and they had also the authority of a Director of the Bank, that the purchases of government paper by the Bank had not increased. He apprehended, therefore, that that part of the right hon. gentleman's statement in which he assumed that the over issues of paper by the Bank of England had contributed to the high price of gold, fell to the ground.

Another circumstance had been stated as having contributed to the high price of gold, namely, the difference between the price of silver at the Mint compared with gold; and he thought in this there was some plausibility. The difference of value of the new silver coinage compared with the old was about 6 per cent. But the new silver coinage which had replaced the old, if it was 6 per cent below the old, as the old had issued from the Mint, was, from the state into which the other had fallen, at least 20 or 25 per cent better than it. The other cause, namely, the quantity of gold taken out of the market by the Bank, he should not then enter into. But if these circumstances had contributed to raise the price of gold, in how much greater a degree must the operation of foreign loans have contributed to produce this effect. In 1814, the amount of Bank issues was 23,600,000*l.*; and the price of gold was then 5*l.* 10*s.* per ounce. In 1815, the amount was 26,300,000*l.*; being nearly three millions beyond the amount of 1814; but the price of gold had fallen to 4*l.* 6*s.* 6*d.* per ounce, being nearly 1*l.* 4*s.* an ounce less than it was when the issues were three millions higher. The House must therefore see the difficulties into which the consideration of these theoretical questions would involve them. When there were obvious circumstances to account for the increased price of gold, parliament ought to found their measures on what was known rather than on what was uncertain.

The right hon. gentleman had said, that foreign loans were negociated in this country last year, that foreign loans were

negociated in this country this year, and that foreign loans might be negociated in this country next year; and therefore, that if they were to be governed by such circumstances, they might never want a cause for the continuance of the Bank restriction. If the ordinary transactions of foreign nations were in question, he would admit, that the argument of the right hon. gentleman was perfectly just. But he (the chancellor of the exchequer) had never rested the expediency of the measure on circumstances which arose out of the ordinary transactions of foreign nations. The transactions which justified the present measure, were of no ordinary nature. It was true, that about this time in 1817 a loan of twelve millions was negotiating by the French government. But, in the present year, the French loans were of an unusual magnitude. There had been two loans of 320 millions of francs each, and there would be a third of 380 millions of francs, making together a sum equal to about 45 millions in our currency of stock. The provision for the loans was 16 millions of francs of *rentes*, and a credit was opened depending on a certain contingency of 24 millions of *rentes*, making together a sum of 1020 millions of francs of capital, equal, as he had said, to about 45 millions of our money of stock; and making the loan amount to about 30 millions, not of stock, but of actual money. They were to add another remarkable circumstance, that a Prussian loan was actually negotiating in this capital of five millions, which would necessarily have the effect of draining the country of much of its specie. What proportion of the French loan would be remitted from this country, or what part might have already been remitted, could not be ascertained. These were circumstances repecting which he had no precise data. But a committee could obtain no more information on the subject than he possessed; for there was no precise information on the subject to be obtained. In considering, however, the effect which these loans would produce on the price of gold, it was not necessary to determine the proportion of this great sum which would be remitted from this country. It was enough to know that much the greatest part of it must be obtained in this country. When they found the Directors of the Bank of England coming to a solemn resolution which was laid before Mr. Pitt, that another Austrian loan would be fatal to the Bank, and when they considered that that loan was expected to be only three millions, or at most four millions and a half, he would ask whether there could be any prudence or safety, when loans to so much larger an amount were to be raised, in removing the restriction? In consequence of this representation, Mr. Pitt promised that no Austrian loan should take place.

Mr. *Tierney* observed, across the table, that those opinions of the Bank Directors were taken up in a moment of alarm.

The *Chancellor of the Exchequer* said, that the circumstances of the time were such as to justify the alarm. But even if a loan to so small an amount would not have produced the effects which the Directors anticipated, the circumstance became very different when there was a loan to the enormous amount of 30 millions sterling. The right hon. gentleman was sufficiently fond of producing the authority of Mr. Pitt, when his object was to condemn the measures of his majesty's present government. But he certainly wished the House to remember, that the right hon. gentleman approved of none of those measures to which when it suited his own purpose he could refer; and he (the chancellor of the exchequer) would appeal to the House, whether Mr. Pitt would have desired to see the affairs of the country in the hands of those who, according to the best of their judgment, endeavoured to follow his measures, or in the hands of those who constantly vilified them?

With respect to the present restriction bill, he wished to state the plain truth without disguise. The truth was, that the whole preamble originated in a mistake. The preamble was inadvertently copied from the last act, it not having been observed that there was any thing extraordinary in it, or which did not apply as well to the present bill as to the former bills of the same description. When the bill came into the committee, he should submit a proposition by which the objectionable part of the preamble would be done away with. He was ready to admit that, whatever blame that degree of negligence deserved, it ought to fall on himself. The preamble as it was at present drawn, conveyed an unjust reflection on the Directors of the Bank of England. It stated, that it was necessary to continue the restriction in order to enable the Bank to make preparations for the re-

sumption of cash payments. This was not true; for as to preparations by the Bank for the resumption of cash payments nothing had been left undone. In referring to the conduct of Mr. Pitt, the right hon. gentleman had said, that Mr. Pitt in 1797 had referred the subject to the consideration of a committee. That was true, and nothing less could then have been expected by the House from Mr. Pitt. On a subject so new, so unforeseen, so alarming, so little understood as to its causes and its consequences, Mr. Pitt acted perfectly right in proposing a committee of inquiry. But what would a committee now have to inquire into? Undoubtedly the right hon. gentleman had pointed out some topics for inquiry on which a committee might sit long enough; for it was impossible that they could ever come to a satisfactory conclusion with respect to them. But, after all, such an inquiry could not be necessary to enable the House to decide a question which principally turned on simple and obvious facts, of which the House was as completely in possession as the committee could be. The right hon. gentleman had stated, that the committee would have to consider, not the internal situation of the Bank, but whether any internal inconvenience would be produced by the resumption of cash payments. But he (the chancellor of the exchequer) thought a committee ought to take the counter-part of this proposition, and ask, what internal inconvenience could result from the continuation of the restrictions for another year? As to determining the proper time for resuming cash payments, the House, after the report of the committee, might not be a bit the wiser on the subject. The House could not judge whether some farther circumstances might not, by possibility, arise, which would render it impossible to resume cash payments at any given time; and a committee could only form a judgment on the present state of things, and could not possibly form a judgment on what might hereafter arise.

He had been charged by the right hon. gentleman with not being serious in his intention of resuming cash-payments, because he had not taken longer than a year as the period prescribed by the bill for that purpose. He had certainly proposed as short a period as possible. He had considered, that in that period only we had to apprehend any great danger from foreign financial operations, and that those operations would nearly be closed in less than a twelvemonth. The operations to which he alluded, were of a nature not to be repeated. Whether France would obtain a similar loan next year, he would leave to the judgment of any man acquainted with those matters. Was it not reasonable to suppose, that the great efforts made by the French government this year, had proceeded from their anxiety to remove what they considered a great evil—the presence of a foreign army in France? In what respect their credit might or might not be improved by the removal of that army, it was not for him to judge. But the French government professed, that they had no occasion for loans, but what arose out of the circumstance of foreign demands and the maintenance of a foreign army, and that the ordinary revenue of the country would be sufficient for the ordinary expenditure. He therefore believed, that France would not again require a similar loan. This was only conjecture, but it was a conjecture founded on the best information which circumstances could afford.

The right hon. gentleman had bestowed a good deal of attention in his speech on a subject not strictly before the House, and into the consideration of which, he did not mean to enter—he meant the bill for regulating the issues of country banks, which was not to be proceeded with this session. But the right hon. gentleman had laid down some propositions so different from what he (the chancellor of the exchequer) considered true, legal, and constitutional principles, that he could not help noticing them. The right hon. gentleman had said, that it was not legal or constitutional to exact security from bankers for the notes they might issue. [Here Mr. Tierney intimated across the table, that he had said it was bad policy]. If the right hon. gentleman retracted his words, he ought to do so explicitly; but, he had unquestionably called in question the right of demanding security from bankers, for the notes which they might have in circulation. It appeared to him, that the legislature had not only a general right to regulate all the transactions of the country but, that it had a peculiar right to call for security from those who issued a currency to represent the metallic currency of the country—a power, in effect, no less than that of coining,

which had always been held to belong particularly to the sovereign. If any man, at his sole discretion, were to be allowed to coin money without being restrained by the legislature, he should like to know in what state the country would soon be? Any man, it was said, with a banker's licence might issue notes on the security of stock. But the House ought to recollect, that in the present case, without any security, any man might issue as many notes as he pleased, provided he could put them into circulation. The undoubted principle of his measure was to place under proper limitation, what, when so limited, must be a great good to the country; but what without such limitation, was undoubtedly a great evil; for no evil could be greater than that of an insecure currency; and he had proposed to limit the circulation of one and two pound notes, at least, without a security, in order that the poor might not suffer by their circulation. A second principle on which he deemed the measure advisable was, that the issue of paper on government security, was preferable to any issue on private security; for all the notes issued on the security of government, might always be received without risk or inconvenience, as the fluctuations in the price of stocks could not affect the holders of the notes.

The right hon. gentleman had adverted to a subject on which he (the chancellor of the exchequer), had already stated his sentiments to the House. He had asked him, whether he had not really once entertained the idea of issuing stock debentures? He would repeat what he had formerly said, that he had never entertained such an idea for a moment. The proposition had been made to him, but he declared it wholly inexpedient. Whether under any circumstances, stock debentures might or might not be advisable, was a question into which it was not then necessary to enter. He had thought such a measure wholly inexpedient at present, because the amount of floating government paper was already as much as it was desirable to have at the present moment. The right hon. gentleman had imputed blame to government for the rise in the funds: he had talked of the shifts to which the said government had had recourse for raising the funds, and he had asked, who had been the gainers by the rise. Undoubtedly the great capitalists had been great gainers, but how many small capitalists had also been benefited by the rise in the funds? He firmly believed, that the general improvement in industry, the diffusion of speculation and trade, the revival of the prosperity of the country, the increase of capital employed in commerce, and the consequent increase of confidence, all arose from the rise of the funds. Some individuals might have felt inconvenience from the rise, but thousands had derived from it the greatest advantage.

There was one subject on which he hoped he might be allowed to say a single word—he meant the advances made by the Bank to government. The right hon. gentleman had maintained, that one of the great causes of the present high price of gold was, the advances made by the Bank to government. He had the satisfaction to state to the House, that provision was made for reducing the advances of the Bank to any amount that might be deemed necessary—to a greater extent indeed than even the Bank had thought fit to require. By the diminution of 16 millions in the amount of exchequer bills, that part of the advances of the Bank which arose from the purchase of exchequer bills would be reduced. So much, therefore, was withdrawn from the unfunded debt; and this diminution would have the farther effect of counteracting that possibility of an excessive issue of paper which the right hon. gentleman had supposed; although he (the chancellor of the exchequer) did not conceive that the right hon. gentleman's supposition had any foundation whatever. The right hon. gentleman had enumerated the advantages possessed by other countries from having a metallic currency, and he had affirmed, that the character of this country was at stake on the subject. How far the character of the country had suffered from its paper currency, he would leave those gentlemen who were acquainted with the continent to determine. Had any of them found that the character of this country had decreased there? The constant increase of paper circulation in England had been known for many years. Was it not by the aid of this paper currency, that we had been able to subsidize all Europe, that we had marched triumphant armies over the continent, that we had stood so high at the congress of Vienna, and that we had been enabled to conclude a peace the most honourable to this country of any that we had ever obtained? And now,

after three years of peace, there was no country in Europe of which the finances had improved so much—there was no other country in which any thing had yet been done towards redeeming any part of its debt. In this country fifty millions of capital of the funded debt had been paid since the peace. It was true, that this was partly counteracted by the addition which had been made to the unfunded debt; but he had the satisfaction to state, that at the close of the present year we should be on the whole from 17 to 18 millions less in debt than when the peace was concluded. While our finances had improved, considerable taxes had been taken off. He had not heard that in any other country in Europe there had been any diminution of taxes; at least, in no other country had they been reduced to such an extent. France certainly had not yet had an opportunity, in consequence of the burthens to which she had been subjected. In America indeed the taxes had been reduced. But we ought to consider, that while 17 millions of taxes had been taken off in this country, the internal taxes which had been taken off in America amounted only to 8 millions of dollars, or about two millions sterling. He was far from being jealous of the prosperity of America. The interests of the two countries were so intimately connected, that nothing but the most ill judging policy could again separate them. It was but justice to the American government to say, that by the measures it had taken it had given a strong pledge of its sincere desire for peace as could possibly be given. By repealing all internal taxes, and placing the whole of the revenue on their customs, which depended entirely on the continuance of peace, the American government had given such a pledge of a pacific disposition as must be highly satisfactory to every man who wished well to either that country or this.

The grounds on which he proposed to continue the Bank restriction for another year were simply these—the extraordinary situation of foreign countries, and the extraordinary relations of this country towards them, which were such that no man of experience on the subject could deem it prudent or safe to resume payments in specie at the present moment. The experiment had been partially tried last October, and what was the consequence? The sudden disappearance of two millions and a half of the gold currency. He admitted, that by an unlimited issue of gold currency we might ultimately restore the exchanges in our favour. But he should like to know what might be the amount of the issue of gold and silver coin which would be necessary to turn the scale in our favour when there was a loan of 30 millions negotiating by France, of which the greatest proportion would be remitted from this country. On the one side then, there were evils of a most formidable nature to be apprehended. But what inconvenience could be feared on the other side from remaining one year longer in a state of things under which the country had prospered for so many years past? He wished, however, to guard against the idea, that he thought such a state of things ought to be continued longer than was necessary. Though the country had as yet experienced no danger or inconvenience from it, it could not be permanently adhered to with safety to the interests of the country which might be materially injured by any sudden alarm. On the one side, then, there were great dangers and certain inconveniences; on the other, no inconveniences and fanciful apprehensions; and on those grounds he should oppose the right hon. gentleman's motion for the appointment of a committee.

Lord *Althorp* thought it most extraordinary that, on such a highly important and most complicated question, resistance should be offered to inquiry. Of the two grounds on which the restrictions had been originally imposed, not one was now alleged to exist; but a very extraordinary reason was assigned instead of them. The House were told that the restrictions must be continued, on account of the foreign loans. This was the first time that such a ground had ever been alleged for such a measure. This was placing a question of vital importance to the country in dependence on circumstances not under the control of the country. Whether we were in prosperity or in distress, whether capital were abundant or scarce, foreign loans might thus call upon us to restrain the Bank of England from redeeming its pledge, and keeping faith with the public. He doubted whether foreign loans could ever drain the country of its bullion, it would be found more profitable to export other commodities, to complete the loan. This was the case in the Austrian loan. But at least it was proper to inquire whether the foreign loans made it inexpedient now to resume

cash payments. The Bank might perhaps be unprepared to pay. He thought it would in that case be proper to continue the restrictions till the Bank could recall its issues: but it was necessary to inquire whether the case was so. As to the withdrawn bill, he had to observe that it was not the mere security that a banker possessed stock which could establish his commercial credit. It was his character, his skill in business, and his attention to the circumstances of his situation, it was principally these things that people regarded in a country banker. Gold and silver were made our standards of value for other commodities, on the ground that they were less variable than other things that could be used for a currency. But it was evident that the price of stock which the country bankers were to deposit as a security for their issues varied from day to day, and therefore ought not to be adopted as a standard. As he therefore doubted the prudence of the chancellor of the Exchequer in proposing this system, he thought sufficient grounds were laid for inquiry by a committee. One of the first principles of the banking business was, that the banker should have the complete disposal of his capital; but according to the plan of the chancellor of the exchequer, a great part of the capital of every country banker was to be taken from him, and locked up in other hands. Unless the notes, which it was proposed to issue were made payable at the banker's counter, they would necessarily bear a discount in the remote parts of the country. The banker to avoid this, would be obliged to keep money in hand to meet these demands, and thus to shut up a double portion of his capital. People would not receive his notes, unless they were assured that they would be paid upon presenting them for payment. They would not submit to any thing like the circuitous mode of sending them to London to be paid for there. Besides, the plan proposed would give an unfair advantage to the holders of small notes, over those who held notes to a greater amount. When a banker stopped payment an unfair advantage would be given, according to this new plan, to one set of his creditors, to the complete ruin of the others. The confidence of those who transacted business with country bankers, would be thus of necessity diminished. These objections and others had met the right hon. gentleman (the chancellor of the exchequer); and, therefore, he had expressed himself dissatisfied with his scheme, and had for the present abandoned it; but as it was not finally given up, and as no sufficient reasons had been assigned for its temporary surrender, a committee ought to be appointed to inquire into those dangers to public credit which it was intended to obviate or prevent. The right hon. gentleman was uncertain and wavering himself in his plans and views, and he had said, that there must be great doubts and difficulties on this subject. On every great commercial question these doubts and difficulties must occur, but they formed the motives for inquiry, not the objections to it. For these reasons, and because the restriction was to be renewed on grounds never before alleged for such a measure, on grounds which, if they existed, must be most detrimental to the country, he should support the motion for a committee.

Sir *Henry Parnell* saw no reason for continuing the Bank restriction, from any injurious effect which might be apprehended from the negotiation of foreign loans on the state of the exchanges. The right hon. gentleman (the chancellor of the exchequer) had supposed that the remittances for these loans would be made in cash. This did not appear to him (sir H. Parnell) likely to be the case. The remittances, according to the general course of commerce, would be made in exports; and therefore would rather be favourable than otherwise to the state of our exchanges. The evidence obtained in 1797, with regard to the effect of the loan to the emperor of Germany, bore him out in the statement. That loan was for six millions, of which sum only 1,200,000*l*. was expected in cash, the remainder was sent in manufactures, the exports of which had risen that year from two to eight millions. When the corn bill was before the House, he remembered that it was made an argument against that law, that it would diminish the exports of manufactures; but now the imports of corn were alleged as reasons for the exportation of specie. As a proof, however, that remittances from one country to another could be performed without bullion, he should mention the case of the Irish Absentee landlords, to whom two or three millions were yearly remitted, though there had been for a long time no metallic currency in that country. It was by an export of produce

that the remittances were managed. Wherever there were any facts which bore on the question, they proved the futility of the opinion that the negotiation of foreign loans would necessarily drain the country of bullion. The right hon. gentleman had quoted the opinion of the Bank directors in 1797, as authority for his present conclusions; but it ought to be recollected, that the Bank was then mistaken in his own case, and had proceeded on principles which were afterwards admitted to be unfounded. The evidence then taken went to show, that their feelings were those of alarm and apprehension, which ought not to govern the general interests of the country at large. The reasons for the resumption of cash-payments by the Bank were now strong. For the first time since 1797, that measure could be adopted without danger or inconvenience. If the opportunity for enforcing it were now neglected another equally favourable from the state of the exchanges might not soon occur. Another great reason against any farther delay was, that by the continuance of the restriction, the Bank of England would be induced to join with the country banks in increasing their issues of paper, which would raise the price of gold, and render a return to cash-payments more difficult than before. To the hazard of raising the price of gold, and consequently of all other commodities, thus endangering a convulsion similar to what we had lately experienced, we should again expose ourselves. The project of issuing small notes on government securities, by the country banks, did not appear to him to be any preparation for a return to a sound state of currency. These small notes would displace our coin, and would thus prolong the evil, instead of having a tendency to produce a remedy. The great source of the evils which we experienced or apprehended arose from the conduct of government. So long as government continued to make loans in times of peace, so long as we delayed the adoption of those economical measures which would bring the expenditure of the country within its income, so long would the Bank be unable to return to cash payments. The excess of our expenditure over our revenue was, therefore, the great object to be attended to; and immediate means ought to be adopted to reduce the one to a level with the other. He trusted a more rigid inquiry on that subject would be instituted than had yet taken place: till that was done we should never be able to get out of the difficulties that surrounded us, with regard both to our currency, and to other matters.

Mr. *C. Grant*, jun. thought there was some ground of complaint against the right hon. gentleman for the way in which he had entered upon this discussion. The principal cause for this complaint was, that he had involved the one principal and practical question with several others in themselves complex and speculative, from which it might easily have been separated. Among other subjects, the state of our currency had been largely dwelt upon by the right hon. gentleman, but it did not seem to be concerned with the point at issue. The simple question for the House to consider was, whether the present was a proper time for the resumption of cash payments. With this question the right hon. gentleman had involved other considerations of an abstract nature. On the principal question, the right hon. gentleman said, that in postponing the resumption of cash payments, parliament broke faith. He was, indeed, astonished to hear this from the right hon. gentleman—When was the pledge given? What sort of pledge could that be which parliament could give as to its future conduct without reference to future circumstances? To this much indeed parliament had committed itself, namely, to its desire and wish that cash payments should be resumed as speedily as possible. It pledged itself to take every method of forwarding the desirable result of payments in cash according to contingent circumstances. Beyond this there was no pledge. There were two circumstances which might disappoint the expectations of the Bank resuming its cash payments at a certain time. Either the Bank itself might be involved in such difficulties as would prevent it from doing so, or there might be circumstances arising out of the state of the country, and its relations with foreign powers, which would render it inexpedient to do so, although in a full state of preparation. As to the first of these causes, so far as the Bank itself was concerned, it was now ready to resume its payments in specie; and therefore so far as parliament was pledged in this behalf, to this extent was it redeemed. As to the other cause—the situation of the country, it must be clear that it was impossible for parliament to pledge itself to any future

line of conduct which was not to be subject to the control of future events. But as to this cause, the right hon. gentleman said, that to admit of its operation, in the present case, it was necessary to make out a close parallel between the circumstances of the country now and in 1797, when the restriction began. He must deny that any such parallel was necessary. For it must surely be allowed, that persons who had even opposed the first restriction would admit that a restriction might, under certain circumstances, be expedient, or perhaps absolutely necessary. The right hon. gentleman had referred to the report of the Bullion Committee, and had taken occasion to say, that the report of that committee was not very popular. As to this, he could only say, that so far as his opinion went, there was much in that report to be approved of, and even admired, although there were many parts of it which he certainly thought founded on erroneous principles; and that nothing could be more erroneous and blind than those parts of it which sought to deduce practical results from mere abstract principles. What was the present situation of the country? Was it not in fact that now, and for the last twenty years, we had been without a metallic currency? The question then was, whether or not we were now able to return to a metallic currency: and if able, whether the circumstances of the country made it expedient, not for the interests of the Bank, which were of little consequence on such a question, but for the interests of the public at large? We had now for twenty years been going on with a currency of no intrinsic value; and might it not be inexpedient to make a rapid transition to a metallic currency? In his opinion, (and he seriously urged the consideration of this point on the other friends of a sound currency) nothing was more likely to defeat the very object of those who wished to return to a metallic currency, than that the transition should be effected by force, and in the face of unfavourable circumstances. He would put it to those who might be disposed at all hazards, and under any circumstances, to resume cash payments, to say what would be the consequence, if such a forced resumption were to raise a cry in the country for a renewal of the restriction? It certainly was not in the power of parliament to command those circumstances which were favourable to the resumption; but yet it was in the power of parliament to choose the proper time; and surely it was not in sense and wisdom to choose that time when the effects of the transition would be most strongly felt. Be the transition made when the price of bullion was low, and the exchange in our favour, still it must be done at a time when the country was otherwise prepared for it. The right hon. gentleman had admitted that a time of resumption would be a time of pressure; but he (Mr. Grant) was surprised at the confidence of the right hon. gentleman in the exertions of the Bank on such an occasion. The right hon. gentleman, who solely attributed to the Bank the desire of profiting by excessive issues to the destruction of the country, seemed nevertheless confident that immediately the restriction was put an end to, they would lose all regard to themselves in their exertions in favour of the country. He (Mr. G.) had no doubt that the Bank would exert themselves for the public, but it was at confidence in such a quarter that he was surprised. He agreed that the remittances which were to be made to foreign parts, would be made not entirely in specie—but admitting this, was it to be supposed that they would not influence the exchanges?—Although the sums were sent abroad in goods, the merchandize to that amount would produce no commercial returns, and the imports would, therefore, exceed in value such of the exports as were available to the purposes of commerce. The value of the exports being thus virtually diminished, who could doubt but that the exchanges would be effected. There were two causes which must always operate to diminish the issues from the Bank a panic in the country, or a foreign remittance. Now, unquestionably the effect of resuming cash payments would be to diminish the issues of the Bank. Was it therefore a time for the House to choose that the resumption should take place when either of the two other causes was operating? He thought it would hardly be questioned that a foreign remittance (the cause which now operated) produced some effect on the Exchange. For, admitting that a part of the remittance would be made in goods, still goods could not be instantly remitted. The right hon. gentleman had referred to the Austrian loan of 1797, to show that this result could not take place; but the reference was unlucky. The

amount of that loan was no more than about 4,000,000*l.*, yet it materially affected the exchange. The committee, whose inquiries were at that time directed to the subject, examined witnesses on this part of it. Mr. Boyd was the person to whom the management of the remittance of the loan had been entrusted, and in his evidence he distinctly stated the difficulty which he had felt in managing so as to prevent it from producing a violent effect upon the exchange, and the various means which he had adopted for the purpose. Yet notwithstanding all the precautions which his experience and ingenuity had suggested, the effect produced in the exchange with Hamburgh was such, that in a few months (from February to August) it sunk from 36 to 31*l.* The object of the right hon. gentleman was, to have a committee appointed, to get at the state of the Bank issues, for the purpose of regulating the exchanges; but parliament could judge of these without any inquiry by a committee, as it had all the facts before it without such an inquiry. A committee could only give its conjectures and opinions and judgment upon the various parts of the question, and all these the House could as well form for itself. He agreed that the liability to pay in cash was a beneficial restraint on the issues of paper; he agreed that excessive issues were mischievous, but whether at any one time those issues were excessive, it was difficult for any man to make out to his own satisfaction, and impossible to establish to the conviction of others. The effect of political and commercial circumstances it was difficult to ascertain. Of late there had been an advance of prices, and it was on that account immediately asserted, that it had been caused by an increase of issues. But how was it ascertained that increased issues had raised prices, and that higher prices had not increased issues. In 1810 it was proved the increase of the commerce of the country had caused an increase of circulation. Amidst all these doubts, the result was this:—There were great principles which it was necessary to adhere to, except in cases of exigency, but having departed from them, it was not proper rashly to return to them at an unfavourable time, and thus put to hazard the public prosperity. The right hon. gentleman said that the difference between a sound and an unsound state of the currency was this—that in a sound state of the currency, nothing was left to the discretion of the Bank; whereas in an unsound state of the currency, every thing was left to the discretion of the Bank. Though there was some truth in this, yet it was quite evident that what was true in it was pushed to such an extreme that the proposition became a false one; for it was well known that in either of the two cases which he had mentioned—in a case of domestic alarm, or of a large foreign remittance, the Bank had it in its power to produce the greatest mischief. He was confirmed in his opinions on this subject by referring to the Report of the Bullion Committee—a committee of which he could not speak without respect, veneration, and regret—respect for those distinguished persons who had been members of it, and who were still in the House—veneration and regret for those members of it who were now lost. That committee, he could never help thinking, did not make sufficient allowance for the various perturbing causes which succeeded one another so rapidly throughout Europe. But if that committee, so highly gifted, had not been able to come to any satisfactory conclusion, what was to be expected from a committee to be now appointed? It was, indeed, in vain to expect any accurate conclusion on so complex a subject through the medium of a committee. The former committee sufficiently proved this. It had attempted to fix the measure of the operation of war on exchanges—it limited the effects, ordinary and extraordinary, to seven per cent. Beyond that it left a void expanse—an *immane barathrum*—which it indeed attempted to fill up with depreciated Bank notes. It had attempted to define what was indefinable—the operation of great moral and political causes operating in various ways on all the complicated system of money and exchanges. In short, no good could be obtained from the appointment of a committee which could not be obtained by a decision of the House. In talking of exchange, the right hon. gentleman seemed not to have reasoned in the most natural order on the causes which affected the rate of our exchange. These causes he stated to be the coinage—the issues of the Bank—and lastly, remittances to foreign countries. If the right hon. gentleman was right in what he said as to the Mint and the low price of gold, he must show that in no case when gold was under-rated, could the Bank continue its

cash payments. This, however, was completely refuted by the fact which his right hon. friend had stated with reference to what had happened at the time of the Silver act. It would not do to say it was any defect in the coinage which occasioned that unfavourable state of things which now made it inexpedient to resume cash payments, because the whole principle of the coinage was settled two years ago. But the House was told that silver was extravagantly under-rated. The fact was, that by the operation of the last Coinage act, silver had been depreciated six per cent, whereas now it was over-rated seven per cent. It was impossible that any arrangements in the Mint could keep pace with extrinsic causes that operated so suddenly and so strongly on the coinage. As to the great demand for gold, he thought it might be, perhaps, very truly accounted for, by supposing that throughout Europe the same change with respect to the precious metals was now going on which had taken place in this country about the beginning of the last century, and that gold was gaining the ascendancy as the standard metal. He had already disposed of that part of the argument which related to the remittances. That of the issues of the Bank was a subject more intricate, and requiring so much delicacy in the discussion of it, that it could not safely or advantageously be entrusted to a committee. His main objection to the motion was, that it mixed an abstruse and general subject with a plain practical question of expedience. For these reasons he would vote against it; the more especially as to go into a committee would produce a great agitation in the country, the evils of which would not be counterbalanced by any trifling benefit—and no other could be expected—of which such an inquiry might by possibility be productive.

Mr. *J. P. Grant* said, that he felt some difficulty in proceeding, to notice the speeches of the chancellor of the exchequer, and of his hon. friend who had just sat down. The chancellor of the exchequer opposed the motion for two reasons. First, because of certain principles and facts upon which he was satisfied in his own mind, and which he had represented as being universally admitted; and secondly, because of other facts upon which he was not satisfied, and which he thought there existed no necessity of investigating. His honourable friend had applied himself in the early part of his speech to a course of reasoning which was applicable to another subject, the restriction of cash payments. There was nothing in the speech of his right hon. friend which called for such a discussion, wholly irrelevant to the question before the House. The question was not whether the House should now refuse the continuation of the restrictions on cash-payments; his right hon. friend himself did not oppose this by the motion he had made, but he had said, and rightly said, that two years' time having been given the Bank to prepare for cash-payments, if those payments were now refused, a new era was established, a new principle was set up, and gentlemen opposite were as much bound to show why the Bank should be excused from payment now as they were in 1797. His right hon. friend had not contended that cash-payments should be resumed, but maintained that it was a subject of too much importance to be determined by the opinion of any individual, however high in situation or in talents, and requiring the labour of a committee to investigate it as became its magnitude. He could not agree with his hon. friend that because the subject was difficult, because it involved the most extensive and the most minute considerations, there was therefore no ground for going into a committee: those were the very grounds for appointing a committee. It was not enough for an hon. gentleman, be he who he might, to say, "I entertain such principles, I state to you such facts, I agree with the bullion committee in this, I differ from the bullion committee in that, my authority and opinions ought to have great weight with the House, I am quite sure the House is not so fit as I am to enter into an inquiry on the subject." No doubt his hon. friend had satisfied himself; no doubt he had studied the question.

He (Mr. J. P. Grant) had taken some pains himself, though he could not at present go the length of saying, that he had come to any decisive opinion; but he knew enough to convince him of this—that they ought not to be satisfied with the mere assertion of the chancellor of the exchequer, when they had a choice between that and the prosecution of inquiry by a certain number of their own members. He could not admit that what the chancellor of the exchequer had said, either as to facts or principles, was decisive of the question. He did not believe that foreign loans, affected the state of the cur-

rency at all. If the honourable gentleman would show that any one foreign loan had ever done so, he would give up the argument at once. But the evidence of the bullion committee, the evidence of Mr. Pitt himself, were all strong to show that foreign loans had no such effect whatsoever. If this was to be the principle on which the restrictions were to be renewed, he presumed the preamble of a bill for that purpose must say, "That whereas the kingdom of France had negotiated a great loan in this country, and whereas that loan would unavoidably drain the country of specie, therefore the Bank was to be excused from paying its engagements in cash." When that preamble should appear at the head of a bill, he should be ready to show that it was not grounded on any one true principle or fact. If he succeeded in convincing the House that a foreign loan could have no such effect, then perhaps they would admit that there existed ground for farther inquiry. He would admit that at present the Bank could not, in point of fact, resume cash-payments, and that was the very reason why he desired inquiry; because, if any of the principles, or any of the facts, given out as the cause of this inability, were in reality the principles or facts which prevented the Bank from resuming cash-payments, there was not one of those principles or facts that was not within the control of the House. If the obstacle to a resumption of payments was the negotiation of a foreign loan, that might be remedied by the interposition of parliament; if it was attributable to the state of the coinage, parliament could equally remedy that. He begged now to call the attention of the House to the evidence of Mr. Boyd, given in 1797, with regard to the operation of the Austrian loan. With respect to the remonstrance made by the Bank in 1797, on the subject of another loan, he should observe, first, that that loan never actually took place; secondly, that Mr. Pitt said the Bank were entirely wrong in their conceptions about the effect of that loan; thirdly, that the loan which did take place in 1795, had no such effect as that which was apprehended, or as that to which the Bank declared that its stoppage of payment was owing. Mr. Boyd, who was agent for the Austrian loan, stated in his evidence, that it could have no effect upon the price of bullion, as none of it was remitted in specie. He was also agent in 1795, and stated, that the remittances were then made, as almost all remittances were made, by bills of exchange. Some part, however, was transmitted in foreign bullion, namely, the sum of 1,092,000*l.*; this was principally silver bullion, Spanish dollars: 1,043,000*l.* were silver; so that the whole amount of the gold sent out was no more than 150,000 of French louis d'ors; the greater part of these were purchased by the Bank, so that, if any ill consequences ensued, the Bank was itself a party to them. The loan of 1796 was transacted almost entirely by bills. If gentlemen looked to the rate of exchange at Hamburgh at that time, it would be found, that during all the time from which a pretence had been drawn to justify a stoppage, the rate of exchange was such, that gold was exported at a loss, and imported at a profit; and yet we were now told, that the stoppage in 1797 was owing to the loss upon exchanges. Whatever he might be in other respects, Mr. Boyd was a good judge of matters of fact, and could speak accurately as to the way in which remittances were made. This remarkable passage occurred in his evidence: "A remittance of 4,600,000*l.* he considered a difficult operation: it was necessary to vary the modes, and make use of all expedients. He could not carry it on by bills on Hamburgh alone, but by bills on Cadiz, on Madrid, on Vienna, on Venice, on Genoa, on Leghorn, on Lisbon, and on other places; and it was impossible to give a preference to any mode, but it was necessary that he should apply himself to all; by these means he made the exchanges favourable; if he had stuck to bullion exclusively, the price would have been so high here, and so low at Hamburgh, that it must have been exported at a loss." Gentleman might wrap this matter up, as Locke said, in mystical expressions; but if they considered it plainly, they would see that, as between one country and another, gold and silver were not different from tea and coffee, or any other commodity. In this view of the subject there was no difficulty, and as well might it be said, that because we had troops to support abroad, the price of beef and bread must rise in England, as that the negotiation of a loan would make gold scarce here. We should not send out beef and bread, but cottons and manufactures to provide for our troops. The chancellor of the exchequer had said that 30,000,000*l.* had been sent out of the country, but would he say it had been sent in gold?

When remittances were made to Germany, the amount of our exports was four times as great as at any other time. After all these facts, could it be said that a foreign loan afforded any reason for the farther suspension of cash-payments? On these subjects they were bound to consider what fell from the chancellor of the exchequer as entitled to some weight; but had such principles fallen from any other person, he should not have ventured to have troubled the House with an exposition of their absurdity: what he had been now advancing was within the sphere of every one's knowledge, and there was not a decently educated young man at his leaving college, that was not as well acquainted with the principles he had just stated, as the most profound calculator. If, in addition to the proof he had given, that the stoppage of the Bank in 1797 was not owing to the existence of foreign loans, he should show that it was owing to advances made to government, the House was bound to inquire into the subject, and before they resorted to the desperate measures proposed by the chancellor of the exchequer, to find out the real cause of the evil in order that they might adopt an adequate remedy. He would not fatigue the House by examining the correspondence which had passed between the Directors of the Bank of England and Mr. Pitt, when those difficulties first began, but he would refer them to that correspondence in which they would find repeated remonstrances on the part of the Bank, and entreaties that the government would pay up their advances. He did not think that Mr. Pitt, if he were living, would feel highly flattered by a comparison with those who professed to act upon his principles, who one day proposed a plan to the surprise and alarm of the whole country, and the next day gave it up; who finding the nation in a state of embarrassment, could suggest no remedy for its relief; and who, when the period came round for renewing the restriction of cash-payments, refused a committee to inquire whether such a measure was necessary. It was Mr. Pitt's opinion that the Bank was straitened by too large an issue of paper, and that the only remedy was, to withdraw some of it from circulation. This had also been the opinion of Mr. Giles; and that if the Bank had adopted that measure two months before the stoppage, it had been safe. As to the alteration in the standard of value, that had been suggested by his hon. friend, and the surmise that gold was becoming the standard all over the continent, he could not answer it, because he did not understand it. Where there was but one standard of value, by one metal only being constituted a legal tender, other metals might be measured by that; but where there were two measures of value subsisting at once, one would drive the other out. Under the present circumstances of the country, it was as impossible for the Bank to supply the deficiency of gold, as it would be for them to fill a reservoir that leaked as fast as liquor was poured into it; for while gold bore a premium of 8 per cent it would be quite vain to attempt to keep it in the country. On this subject the book of the late lord Liverpool contained a fund of valuable information. The whole subject was of the last importance, and demanded serious inquiry, to ascertain whether now or at what future time it would be expedient for the Bank to resume cash-payments; for, from the specimens of financial perspicuity and decision lately evinced by the chancellor of the exchequer, he did not feel himself very ready to pin his faith upon the right hon. gentleman's assertions.

Mr. *Huskisson* felt it necessary, after the extraordinary and novel doctrines, avowed by the right hon. mover, and by the hon. gentleman who spoke last, to trespass on the attention of the House. In some points he even differed from the chancellor of the exchequer, and they also required explanation. The motion was, that they should institute a committee to inquire into the state of the currency. His right hon. friend had adverted in the course of his speech to the discussions and publications which had taken place during the inquiry adopted by the bullion committee, and he seemed to be of opinion that it required an effort of courage to refer to their report. He had ventured, however, in defiance of all ridicule, to re-peruse that report this morning, and he had no hesitation in describing it as a perspicuous statement of facts, and well connected inferences which had never been answered. It had been prepared by a gentleman whose enlarged mind was well calculated to investigate any subject with precision, but which had been applied to this question with peculiar success. He could not conclude this brief observation of that distinguished individual, without expressing his regret

that he was not then present to assist their deliberations with the force of his reasoning, and the accuracy of his judgment. The question now was this—whether to the present circumstances it was fit to apply the principles on which that report was founded. He had that night come down to the House, in the full conviction that no dissent could have been expressed to the principle that an increase of a paper currency tended to its own depreciation; and must have the effect of increasing the prices of all commodities, including of course, gold and silver, and bills of exchange; for the real definition of a bill of exchange was, "an assignment to one country of so much of the bullion of another, as was represented by that bill." The reverse had, however, been asserted. He here read some extracts from a pamphlet lately published, intituled, "On the approaching Crisis," which he said was written by a warm and able opponent of the bullion report, and who seemed of late to have altered his opinion. It was true that the state of the country was now widely different: we were no longer at war, and it was consequently unnecessary to keep in the Bank a supply of specie; and he admitted, that the only ground on which a renewed suspension of cash payments could be justified was, that the contraction of the paper circulation, which would be its result, would produce a general and a weighty pressure. Such a contraction would immediately force the exchanges above par, and induce remittances of specie from abroad. This had been the case in 1816, when the failure of one-fourth of the country banks, and the diminution of the paper of the rest to one half, had of itself made an alteration in the exchanges. A paper circulation had always a tendency to increase itself, because it was the interest of those by whom it was issued; and the main difficulty of returning to cash-payments arose from this very circumstance—the system was now of more than 20 years standing, and the issue had almost annually augmented. The proper time for resuming cash payments was, when the exchanges were either at or above par; and if the Bank had been prepared with gold, and the act had not prohibited it, he should have been glad to have seen a gold currency restored last year, and he was convinced that the demand would not have been great, as no man would have doubted the solidity of the Bank, nor would the wish have been general to have changed a convenient for an inconvenient circulation. He doubted even whether more gold specie would then have been required for the purpose than had lately been uselessly issued. The state of affairs was, however, widely different at the present period. Unfortunately the exchanges were now so much against us, as to alter the whole complexion of the case; and he would ask the House if they were prepared to compel the resumption of cash payments at the moment when the government of France were about to negotiate a loan of thirty millions sterling and when the government of Prussia had just concluded one in this country, of which a very large proportion had been transmitted in specie, and when all foreign loans, more or less, were obtained from the capital of Great Britain. It had been asked, what difference existed between a loan to a foreign government, and the effects of the usual desire displayed by many persons of seeking a larger interest for their money in foreign countries? To his mind there was a great difference, because it appeared from experience, and from the very necessity of contracting the loans in this country, that the foreign governments had not succeeded in inducing persons in this country to transfer their capital into the foreign funds, and that without this supply of British capital those governments were wholly incapable of performing any great financial operation. It had been stated, that Mr. Boyd had given in evidence before the committee, that he had transmitted but a very inconsiderable part of the Austrian loan in specie; and it was thence argued that a foreign loan was not calculated to produce any great effect upon the price of bullion. But of the actual amount transmitted in money in any one loan, it would be difficult to speak with accuracy. It was not correct that loans were generally transmitted in merchandize. The fact was, they were more usually transmitted in bills of exchange—which he was ready to admit might have been purchased by merchandize—but should the result of this commercial operation leave against the country a balance, it must be eventually paid in gold and silver. In 1797 there had been a considerable failure of country banks; it was, in fact, a period of panic, and a consequent drain took place upon the specie yet left in the coffers of the Bank; but the exchanges were much in favour of this country; upon Hamburgh

it was as high as 36, and a considerable profit was therefore afforded on the importation of bullion. But the failure of the country banks, the panic, and the drain had led to the suspension of cash payments by the Bank of England; and he had therefore been astonished to hear the hon. gentleman assert, that the suspension of cash payments arose in 1797 from the excessive advances by the Bank to the minister of the day. The distress which occurred at that period had been attributed by Mr. Henry Thornton a man of great practical knowledge, as well as of deep insight into the principles of finance, in his evidence before the lords committees, to the great diminution of the paper issues of the Bank; and even Mr. Giles, whose authority had been so triumphantly stated on the opposite side, had given his opinion, that were it not for the restriction the Bank would still farther contract the circulation. With respect to the immediate resumption of cash payments, the measure seemed to him incompatible with the existing state of affairs, nor did he think that the House could in any degree interfere with the internal regulations of the Bank for determining on the best means for attaining that object. He feared that in any attempt they could make, they were placed very much in the hands of the Bank of England.—He meant that the House could do nothing more than declare the time for resuming cash payments, but must leave the means with the Bank itself. It was impossible to dispute it, and he defied all the ingenuity of the other side to propose any satisfactory regulations as to the mode in which cash-payments were to be resumed—that must be left wholly to the Directors of the Bank of England; their character, however, would be at stake before the world, and they would, no doubt be anxious to be relieved as soon as possible from the inconvenient and pressing inquiries now, day after day, made into their affairs. He would not go into any numerical calculation as to the amount of the issues of the Bank, because he did not consider that amount any criterion of excess, which was in fact only to be looked for in the convertibility of paper into cash at the pleasure of the holder. For the general principle of currency was this—that the quantity of metallic money should be as small as possible, and the quantity of convertible paper as large as possible. Great mistakes had got abroad on the subject, and he could not agree in the praise bestowed upon a pamphlet quoted by his right hon. friend (the chancellor of the exchequer)—he alluded to that of Mr. Weston—for the very title of it supposed an absurdity. It was called "Letters on the Means of increasing the Circulation of the Country;" now no circulation could be sound and safe unless it was precisely such as would have existed if the currency was all metallic. He thought that all the advances made by the Bank to the government ought to be repaid before the resumption of cash payments. These advances must, in the first place, limit the means of the Bank to procure gold. The facility of acquiring gold must depend upon the rate of exchanges. These should be carefully watched by the Bank, and the amount of their issues ought to be cautiously and gradually reduced to a state similar to the circulation in other countries. With respect to what had fallen from the hon. gentleman, in regard to the difference between the gold and silver currency, he had forgotten that silver was no longer a standard of value, and that a person carrying silver to the Mint could no longer procure coin for it at the rate inserted in the Mint minute. This made an important distinction in the present instance, from the state of affairs in the reign of Charles 2nd, when a slight alteration in the relative values of the gold and silver coinage, caused the disappearance and restoration of either, as they happened alternately or respectively to be affected. The government now retained the power of regulating the exact amount of the silver coinage of the country, and, of preventing it from exceeding whatever was considered necessary for the mere purposes of exchange. The right hon. gentleman then adverted to the effect produced upon this country, and indeed, upon all the continent of Europe, by the facility enjoyed by Great Britain of extending her paper circulation. It was like the effect that had been found to arise from the discovery of the mines of America, for by increasing the circulating medium over the world to the amount of forty millions, it proportionably facilitated the means of barter, and gave a stimulus to industry. In proportion, however, as the Bank of England had found it necessary to purchase gold on the continent to meet its engagements with the public here, the circulating medium of the continent was diminished; and as the conti-

nental states did not enjoy the credit possessed by this country, and were thereby debarred from increasing their paper currency, the result was discernible in the great confusion and deterioration of property that had taken place on the continent during the two last years. Indeed he had no hesitation in saying that much of the distress which had prevailed upon the continent, was fairly attributable to the purchase of bullion by the Bank of England. He then remarked on the great stimulus the increase of the circulating medium had given to the arts and industry of this country, but while the general appearance of the country was improved, and its prosperity promoted it was much to be lamented that the comforts and rewards of the labourers had been much reduced. The population of the country had increased in proportion to the rapidity with which the circulating medium had advanced; but though there was an increased demand for labour, its wages were diminished. This he showed by reference to the prices of corn for the last century. He stated, to show the improvement of the country, that from the year 1658 to 1754, there had not been one bill of enclosure, and this country imported corn. There were, from 1754 to 1796, during which time there had been a rapid increase of the circulating medium by imports from the mines of America, bills of enclosure to the number of 3,500, and this country became an exporting country. He concurred with the right hon. mover in thinking, that though some difficulty might attend the resumption of cash payments, yet it was idle to talk of its producing any serious convulsion in the country. He believed that nothing had tended more to create alarm in the country, than the clamour which was raised on the subject of the resumption of cash payments by the Bank. It was notorious, that in Scotland, even previous to the restriction upon cash payments at the Bank of England, the principal currency was in paper, and that there was very little gold currency in that country. Such, indeed, was the happy system of the chartered banks of Scotland, that even in the years 1793 and 1796, no inconvenience was felt in that country from want of metallic currency, when the pressure was so sensibly distressing in England. Nevertheless he felt, as he always had done, that it was the duty of the Bank, as soon as possible, to resume those payments—and he was convinced, that, by a gradual, temperate, and cautious conduct, the resumption might take place without risking any material alteration in the affairs of the empire. This, however, could only be done by a proper reference to the circumstances of the country—and taking care that the amount of the circulation tended to place our course of exchange on a par with that of other countries. The present was not that season. To withdraw the restriction now, would soon force the country into its paper circulation with renewed and probably incurable evil.

Lord *Folkestone* congratulated the House on the opinions which they had heard delivered by the hon. members who preceded him in the debate; all of which proved the necessity of the investigation. The question before the House was, whether there should be an inquiry instituted by the House entering into a committee, in order to remove the restriction from the Bank, and by what means it could be removed. Two years had elapsed since he had explained to the House the reasons which should influence the Bank to resume its payments in cash, while the course of exchange was in its favour. The hon. member who spoke last, had, at that time, said that the Bank required time to prepare for resuming its payments. Two years were allowed, and what resulted? The hon. gentleman this evening urged, that the time was gone by; he acknowledged the utility, the necessity, of the resumption of cash payments, and wished for its adoption; but he fixed no period. It was to take place at an undecided, floating moment. The Bank, it was stated, was eager for the resumption, but he (lord F.) thought otherwise, for the Bank derived too much profit from the continuance of the restriction, to wish its removal. Where was this to end? Suppose another year were allowed, what would be the event? A committee must finally be established in order to inquire into the means of resuming cash payments, and why not at this period? The House would please to consider, the committee, which was the present object of debate, was to decide on facts and not on principles. He called on every gentleman who had thought on the situation in which the want of cash payments for twenty-one years had placed him, to reflect seriously before he should embark in this melancholy career, to whom he en-

trusted his future welfare. There was a decided difference of opinion amongst those individuals who spoke from the treasury benches; for the House would recollect, that the right hon. gentleman who spoke last, had absolutely laboured to overturn the whole of the reasoning made use of by the right hon. gentleman who first spoke from the opposite side; and it was not a little remarkable, that one of the leading members of the cabinet had offered no opinion whatever on the subject. He thought it monstrous that the Bank should, without any inquiry, be allowed to raise or depreciate at their pleasure the property of every individual in the kingdom; nay, that the Bank should think this so much a matter of course, that not one gentleman connected with it thought it worth while to say a word in explanation.

Mr. *S. Thornton* could not let the question go to a vote, and especially after the manner in which he had just been called upon by the noble lord, without asserting that the Bank directors had done all that was in their power towards resumption of cash payments. The unforeseen circumstance of a bad harvest, and the loans raised for foreign powers had impeded the measure. The Bank had evinced its sincerity by twice advertising an issue of cash for its notes up to a given period, but the gold was no sooner issued than it disappeared. With a view to prepare for that resumption they reduced their issues from thirty to twenty-six millions, but from the circumstances of the country they afterwards felt it necessary to advance their issues, in order to supply the circulation. He trusted these impediments were only temporary; and as other countries were relieved in pecuniary affairs they would become our customers. As to the loans alluded to by the right hon. mover, he meant those to Russia, France, and Prussia, the fact was, that to Russia and Prussia those loans were made in English manufactures, so that they served to give employment to our own manufacturers, and to provide a market for their produce; and France would, in the liquidation of debt, and the payment of its contingent, return to this country a part, at least, of what it raised through our subjects. To the other drains was to be added the expenditure of Englishmen on the continent, which was estimated at not less than 6,000,000*l.* Under all these circumstances, as a member of parliament, he could not but admit this was not a favourable time to establish again a metallic currency. He lamented that these impediments had arisen to the completion of the measure which the House and the country looked for with so much anxiety. As a Bank director he lamented it still more, as he had learnt by experience that the cessation of the restriction could alone put the Bank in a state of complete independence. The House would feel that it must be irksome to himself, and other hon. members, situated as he was, to be daily subjected to harsh reflections, and to a language which he thought no circumstances could vindicate; and more especially when they had only acted in the faithful discharge of a duty entrusted to them. There had been last year no less than 20 accounts from the Bank called for, and this session already 17, and he believed notice given of others. These accounts there would be no pretence to require when the Bank was placed under different circumstances. Another proof of its disposition to pay in cash was, the calling in a large part of its advances to the public, for the payment of which provision had been made by parliament. By this it would be enabled to reduce its issue of notes; but he must apprize the House that this was a matter of the greatest delicacy, and it was impossible till the time to determine how far this measure should be carried. The present times were very different from 1797. Nothing the Directors could do, the House may be assured, would be wanting on their part. He could assure the House, and for a period of 17 years he could speak from personal knowledge, it was the anxious wish of the Directors to perform their duty towards the public, as well as towards the proprietory. He was, indeed, perfectly ready to take his full share of the responsibility which attached to the system so long pursued. With regard to the motion, he must say, that to appoint such a committee as the motion referred to, would only operate to produce embarrassment and injurious impressions, and therefore he should vote against it.

Mr. *Frankland Lewis* contended, that a committee of the House would prove ultimately the means to which the country must refer the important question of the Bank restriction, and wished to know why it should not at present be adopted. The point at issue was with the Bank,

which had, during the time of the restriction, collected a vast quantity of the precious metals, which, by a future restriction, it would be enabled to send into the market, a proceeding which could not fail of being productive of advantage to itself. It was useless to call upon the Bank two years ago to make preparations to resume cash payments, if, at the expiration of that period, the restrictions were to be renewed, and the gold collected to effect those payments was to be disposed of for other purposes, so that the Bank would find itself as unprepared as ever, whenever a fresh call might be made for a return to a metallic circulation.

Mr. *Grenfell* observed, that as the question was one of importance, he could not give a silent vote upon it. He would, however, avoid going at length into the subject. He was surprised to hear the Bank restriction advocated on the ground of foreign exchanges, and the demand for gold on the continent. Last year, the right hon. gentleman congratulated the House on a virtual resumption of cash payments, as he designated the partial sums of specie advanced by the Bank. It appeared, at present, as if the right hon. gentleman was anxious to avail himself of any pretext for continuing the restriction. With respect to the observation, that the price of gold was against such a measure, he could inform the House, that, for the last year, no change had taken place at Paris. The uniform price of that metal, since January, 1817, was 346 francs the hectogramme. He regretted that the hon. gentleman who had spoken last from the treasury bench would not give the House the benefit of his vote as well as of his opinion in favour of the appointment of a committee; for in favour of that appointment all the hon. gentleman's arguments directly tended. Adverting to what had fallen from the hon. Bank director, he denied that in any remarks which on former occasions he had thought it his duty to make on the proceedings of the Bank, he had treated that corporation with any undue asperity.

Lord *Castlereagh* said, that at that late hour of the night he would rather direct his observations to the motion immediately before the House, than enter into a wider field. He contended that no inquiry had ever been proposed to the House, which carried on its face less plausibility than the present. The motion had three objects, first, to inquire about a proposition respecting country banks, which his right hon. friend had withdrawn; secondly to investigate the state of our currency; and thirdly, to consider of the means of controlling the issue of Bank of England notes. Any inquiry as to the two first objects appeared to him quite unnecessary, as the House had already sufficient information upon the subject; and as to the third, he must protest against any attempt on the part of that House to interfere with the management of the concerns of the Bank; for that management should be left solely in the hands of the Bank itself. The Bank might, if it thought proper, have resumed cash payments in 1816, by simply serving a notice upon the Speaker, but the Directors distrusted the continuance of the rate of exchange, which was then favourable, and that distrust was soon after justified. But had the Bank resumed payments in cash, the consequence might easily be judged of from the result of the partial resumption which had since taken place; for what was become of the quantity of sovereigns which were but lately issued from the Bank? Why they were melted down and sent out of the country for profit, and such must be the case while the rate of exchange was against us. When the loans contracted by foreign powers should begin to operate, the Bank would have to purchase gold at an extravagant price abroad, and after coining it here, would see it melted and carried back again to the continent. Upon what ground then could any reasoning man justify the sudden resumption of cash payments, while such resumption must obviously lead to the most mischievous consequences. He felt it his duty, therefore, to oppose the right hon. gentleman's motion.

Mr. *Tierney* replied in a speech of unusual brilliancy and force. He said, that the noble lord who spoke last had undertaken to simplify the object of his motion, and because the inquiry embraced various points, had endeavoured to simplify it by arguing that there ought to be no inquiry at all. The difference between him and the noble lord was this—that the one desired to know what he was about, and the other looked upon this as an antiquated notion. The noble lord thought it would embarrass the public mind and create alarm, if the proposed inquiry was instituted; whilst he (Mr. T.) was of opinion, that the country never could be alarmed at seeing its representatives in-

quire before they acted. He regretted the absence of a right hon. gentleman (Mr. Canning), who had given to the chancellor of the exchequer, at the time of the bullion committee's discussions—discussions which he had been reproached for not renewing that night—so severe a lecture upon the doctrines he then maintained. Had any body foretold at that time to him, that an hon. member, so severely lashed for his erroneous opinions on matters of finance, would soon after become chancellor of the exchequer, he should have thought the prophet out of his wits. But had it been added, that the lecturer, and a party to the lecture (Mr. Huskisson), would also sit by this chancellor of the exchequer, and support him on an occasion like the present, it must have exceeded all human credulity. The right hon. gentleman, indeed, seemed, after much deliberation, to have made up his mind, that the best way after all was to speak the truth, and the first confession was, that stock debentures were not worth a farthing. With regard to the preamble, indeed, the right hon. gentleman asserted, that he had had nothing to do with it, and that it was entirely a mistake. The person employed to draw it up had probably applied for some reason to prefix to such a measure, and the right hon. gentleman not having one at hand, desired him to find the best he could; the consequence of which was, that he took the preamble assigned to the last. As to the Directors of the Bank, he could not concur in the opinion that they were anxious to resume cash payments. Those gentlemen professed in private company, as well as sometimes in that House, their desire for the resumption of cash payments. They were, no doubt, individually very fair, amiable gentlemen, but as a body, he must say that he thought them most dangerous, and that they never would resume cash payments if they were not urged to do so, by finding that House in earnest to produce the measure. He, therefore, exhorted the House to show its earnestness upon this occasion. If it did not do so, he feared that the consequences would be dreadful—that a terrible revulsion would take place. This was probably the last struggle to guard against that melancholy event, and let each man, who felt for the situation of the country, have the satisfaction of thinking that, whatever might be the result, he had done his duty [Loud cheers].

The House then divided:

Ayes	99
Noes	164
Majority against the motion	65.

HOUSE OF COMMONS.

Monday, May 4.

PETITION OF LIEUTENANT BEDFORD.] Captain *Waldegrave* presented a Petition from lieutenant Bedford, of the royal navy. The hon. member stated, that as the petition was of great length, he should just state what it was the petitioner complained of. He stated, that though severely wounded when a midshipman, by which he lost an eye and nearly the use of his jaw, he had not since received any pension. He also complained of a regulation in the Admiralty, by which no naval officer, except an admiral or captain, could claim or obtain an audience of the first lord of the Admiralty, though in the army it was different, for there every commissioned officer entering his name in a book kept for that purpose at the Horse-Guards, might have an audience of his royal highness the commander-in-chief. He prayed the House to take his case into consideration.

The petition was then brought up and read. On the question, that it do lie on the table,

Mr. *Bennet* said, that though the House had not heard the whole of the petition read, and could not, therefore, be acquainted with all its allegations, yet there was one circumstance mentioned in it which the House ought not to suffer to pass unnoticed. He alluded to that regulation, by which officers under a certain rank were precluded from having an audience of the first lord of the Admiralty. He saw no reason why the first lord of the Admiralty should refuse an audience to a lieutenant in the navy, which his royal highness the commander in chief granted to the humblest ensign in the army. He had not before heard of such a regulation, and he was certain that no such practice was known in the time of earl Spencer, or earl St. Vincent.

Mr. *Croker* was at a loss to know the particular complaint of the petitioner. He had, in his opinion, no right to be dissatisfied at not having a pension, for he was placed on the Greenwich establishment, which was better than the receiving a pension as lieutenant. With respect to the regulation to which the hon. member

had alluded, he should observe, that the first lord of the Admiralty was in a very different situation from that of the commander-in-chief, for he could decide at once upon any application which was made to him; whereas, the first lord of the Admiralty was only one of a commission, and had not the same authority. As to the particular rule by which the audiences of the first lord of the Admiralty were regulated, he was not certain: it was not at all connected with his (Mr. C.'s) department, but he was certain that the private secretary to that nobleman could, if he were in parliament, give a most satisfactory explanation of it. For himself, he should only say, that he was in his office every day, and the whole of the day, and that he was ready to see every person who had occasion to consult him.

Captain *Waldegrave* said, he had not meant, nor was it the intention of the petitioner, to impute the slightest neglect to the hon. member. What he principally complained of was, that he had never received any pension, though he had been wounded so severely as to lose one of his eyes and almost the entire of his jaw. He also complained of losing his pension as midshipman when promoted to the rank of lieutenant.

Mr. *Croker* said, he was now aware of the nature of the petitioner's complaint, and he trusted he should give an answer to it satisfactory to the House. The rule which he complained of was the same in the army as in the navy. The petitioner had got his wound before the present regulation was made; but instead of the pension of 95*l.* a-year, to which he might be entitled, he received, by being placed on the Greenwich establishment, an income of 220*l.* a-year.

Sir *C. Pole* thought the petition indiscreet, and that the petitioner had no just cause of complaint.

The Petition was ordered to lie on the table, and to be printed.

Land Tax Assessment Bill.] On the order of the day being read, for going into a committee on this bill,

Sir *James Graham* objected to the Speaker leaving the chair. Such a bill as the present he conceived to be peculiarly improper when the country was on the eve of a general election, as it had a tendency to take away a salutary guard against fraudulent votes, and one that had remained upon the Statute book for a hundred years. It had been asserted that the land tax had been redeemed in many counties. He was inclined to believe that in scarcely any county had more than a half of the land tax been redeemed, and in many not a third. He could not consent to the House going into a committee, unless some adequate substitute should be provided for the check that would be removed. He saw no difficulty in the case as the law stood at present, and no necessity for such a bill as the present, especially at a time when a general election was so near. He should therefore move, That the House do resolve itself into the said committee on that day three months.

Mr. *Bankes* thought some such remedy as that proposed by this bill was necessary. Though the present measure was imperfect, it did, to a certain degree, obviate the evil complained of. But, at this time, he thought it would not be wise to pass such a bill.

Mr. *Wynn* contended, that the bill was necessary. As the law now stood, freeholders were either put to a great expense as to the certificate of the redemption of their land, or were prevented altogether from exercising their elective rights.

Lord *Castlereagh* said, he could not approve of the present bill. As the law now stood, where the land tax was redeemed, the freeholder might, at an expense quite trifling, obtain a certificate which would serve his purpose. He therefore could not suppose that the freeholders of the kingdom thought so lightly of the privilege of voting, as to lose that right by neglecting the means necessary for its exercise. He admitted that the present law of registration was very defective, and he would heartily concur in any measure for its complete amendment in this respect, but he could not approve of the present bill.

Sir *S. Romilly* strongly supported the bill. If the measure itself was good, the general election being near surely could not be considered by the House as any conclusive argument against it.

Lord *Lowther* opposed the bill, as being unnecessary.

Mr. *Long* stated, that by the act of queen Anne, no person could be entitled to vote if he had not been assessed six months before the time of election, which had proved a most useful check against fraudulent votes. The land tax redemption act had no doubt added to the difficulty

of ascertaining the real voters; but the existing law was not to be abrogated without a substitute being provided in lieu of it, as otherwise much confusion would inevitably ensue.

Mr. *Brougham* observed, that the great objection to the present state of things was, that the law had become wholly inapplicable, in consequence of the redemption of the land tax. Under the present system, a wide door had been opened for perjury, as an individual who would not scruple to commit that crime, might easily swear that his freehold lay in a district where the land tax had been redeemed. A door was opened to abuses of various descriptions, as a candidate who had the command of money, and chose to expend it in that way, might make as good votes at the expense of 8*l.* per man, the very day before the commencement of the poll, as if they had been a whole year upon the books. At present there was no system of equal registration. The case of Ireland was not applicable to England. He marvelled much at the anxiety that had all of a sudden appeared upon this subject. Last session no objection had been made to a similar measure introduced by his hon. friend (Mr. Wynn), which involved more changes than the present bill, and which had been carried by acclamation; insomuch so, that a delay of only three days, which he (Mr. B.) had moved for, was completely scouted by the House, yet upon the present occasion the cry of innovation had been raised against the bill. He should vote for the House going into the committee.

Mr. *Bathurst* expressed his hostility to the bill. The present register was indeed defective, but it was better than none at all. The measure under the consideration of the House, went to destroy the existing system without substituting any thing better in it's place.

Sir *W. Guise* spoke in favour of the bill.

Sir *C. Monck* conceived the measure to be a most salutary one.

Mr. *Newman* spoke also in favour of the measure.

The House divided:

For going into the Committee . . .	54
Against it	90
Majority againt the bill	—36

Dr. Burney's Library.] The House having resolved itself into a Committee of Supply,

Mr. *Bankes* rose to move the resolution for the purchase of the late Dr. Burney's Library to be placed in the British Museum. He acknowledged the duty imposed on the House of attending to economy; but he by no means thought that the resources of the country were so completely exhausted as not to admit of their affording that encouragement to literature which the acquisition of this valuable library would give. In times of greater pressure similar votes had been acceded to, that for the purchase of the Elgin marbles for instance; and he was persuaded that there was no hon. member who had seen that noble collection in the place which it then occupied, who did not rejoice that the vote by which it had been acquired for the public had been carried. The library of the late Dr. Burney was of the most valuable description. Among other things, it contained the most complete collection of Greek literature that had perhaps ever been in the possession of any individual. It was not necessary for him to enlarge on the expediency of not permitting such a collection to be dissipated—a collection which it might require many centuries again to accumulate. This part of the late Dr. Burney's library was enriched with manuscript remarks by himself, professor Porson, and other eminent scholars. Adverting to the sum which the committee, to whom the consideration of the subject had been referred, recommended to be given for this library, he observed, that on the best inquiry, it appeared to be a price reasonable and fair on the part of the public, and that on the other hand it was one with which Dr. Burney's executors were quite satisfied. He hoped, therefore, that the committee would agree to the resolution which he would move, namely, "That a sum, not exceeding 13,500*l.* be granted to his majesty, to enable the Trustees of the British Museum to purchase the Library and Collection of the late Dr. Charles Burney, and that the said sum be issued and paid without any fee or other deduction whatsoever."

Mr. *Curwen* felt it his duty, however odious and unpopular the performance of it might appear, to oppose the present motion. He entertained no doubt of the value of the collection; but it was of a nature to gratify individual curiosity rather than to promote any object of public utility. Allusion had been made to the

purchase of the Elgin marbles, an application of public money which he had resisted at the time, but which formed in his opinion a different case. They consisted of extraordinary productions recommended by their great antiquity, brought here at a great expense, and constituting a noble study for the artists of this country. In the state in which our finances now were, and when it was found impossible to make good the public engagements, he could not consent to spend a single shilling upon any object of indulgence or curiosity, however liberal. It was not pleasant to him to make these remarks, but he considered them to be due upon every principle of justice to the public creditor.

Mr. *F. Douglas* contended, that this was not an absolute grant of 13,500*l.* because there were duplicate volumes in the library, which would of course be sold, and which would produce not less than 3,000*l.* In the mean while the usual allowance of parliament to this institution would be withheld until the remaining 10,500*l.* should be repaid to the country. The country would thus be possessed of a library of which it might justly be proud, containing at least double the amount of classic authorities for reference than were to be found in any other public library. The object, too, of their collection would be defeated, and would no longer be a national object, if they were allowed to be sold by auction, and were thus scattered through the hands of individuals. Two of the works in this collection were objects of extreme rarity, and the whole library had the advantage of being arranged, and even annotated upon, by one of the best Greek scholars in the world, who had made those remarks and annotations expressly with a view to publication; in which view he had been, unhappily for the world, defeated by the visitation of Heaven. These annotations would be thus placed at the service of the public and of scholars, who might render them of general benefit to the country. Attached as he was to classic learning, he could not help thinking these stores of knowledge, of as much importance as the acquisition of that which cost the country 44,000*l.*, and stood upon very different grounds. The collection also contained complete sets of newspapers from the earliest publication of any thing in that shape; and as these were not only records of the times, but histories of the progress of our constitutional freedom, he most sincerely hoped the House would feel a warm interest, as friends of freedom, in preserving them entire.

General *Thornton* said, he should have concurred in the vote with the more pleasure, if the facilities of admission to the British Museum had been greater. It was now necessary, that a person, to obtain admission, should apply to a trustee, and as these trustees were men of high rank, this threw a difficulty in the way of unknown scholars. He understood, too, that the Museum sold its duplicates. How was the money so obtained disposed of?

Mr. *Long* said, he should be sorry that any such impression should go abroad as that the British Museum was difficult of access to the public. It was at present sufficiently open to those who wished to visit it, and he should not wish to see it more so. In Paris, where the library was open to all classes without distinction or check great depredations were committed. He hoped no such system would be adopted here. As to the purchase of the library of Dr. Burney, he was of opinion it ought not by any means to be neglected, as it was probable such another opportunity would not again be afforded of adding to the library of the British Museum. Even if the sum proposed were much larger, he would vote in favour of it, as he conceived it was of more advantage to lay out a large sum on such a collection, than to give an annual grant of a less sum.

Mr. *Lockhart* said, he should not allude to the question of economy; but he doubted whether a case was made out for the interference of the state. The cases in which the state should interfere to make purchases of the kind now proposed, should be when the things to be purchased were at once of extreme rarity and extreme utility. In the case of the Elgin marbles it had been alleged that the possession of those rare examples would inspire our sculptors with the genius of Grecian art. Public utility appeared to him to be the indispensable and only object on such an occasion. Could that be said to be the character of the collection which the House was now called upon to purchase for the country? It consisted chiefly of curious manuscript copies of Greek plays, with the annotations of learned critics. This might form a fair subject for the admiration and study of virtuosi but presented no additional source of improve-

ment to the arts, to national history, or to useful science. He could see no reason why the state should interfere to take the cultivation of this branch of learning from the patronage of individuals, or rescue it from that oblivion into which it might otherwise fall. He understood that the collection contained no one new Greek tragedy; and how could the public be interested in the solution of obscure passages, or in contradictory comments on an antiquated usage? If it could be shown that there was in it any work which might impart new light to the truths of philosophy, any addition to the present stock of historical knowledge, or even a single fragment of ancient oratory, he would cheerfully vote for the motion. As it was, although he was fully disposed to admire and even reverence those who excelled in these liberal pursuits, he considered that the promotion of them ought to be left to individuals.

Sir *James Mackintosh* said, that he had been a member of the committee that recommended the vote which had produced the present discussion, and felt therefore sufficiently disposed to vindicate them in the course they had pursued. He should not, however, have thought it necessary to say any thing in support of the question, after the just and forcible observations of his hon. friend near him (Mr. F. Douglas), did he not think it incumbent on him to enter his protest against all that had just fallen from the hon. and learned gentleman, the representative of the city of Oxford, [a laugh.] He could not avoid expressing his decided disapprobation of every one of those reflections which had been cast upon that sort of literature that had hitherto formed the basis of education, not only in this country, but in every nation of Europe. Had not those works, which were now described by the hon. and learned gentleman as the objects of an idle curiosity, been the earliest study, the constant exercise, the favourite models of the most eminent and accomplished of mankind? Did the hon. and learned gentleman really believe that philological knowledge, that the nice discrimination of the sense of words, which to the ignorant or superficial observer exhibited no shade of difference, could communicate no advantage beyond the powers of verbal criticism? If such was the hon. and learned gentleman's opinion, it was an opinion fatal to the whole established system of education; the fundamental principle of which was, that it led indirectly and insensibly to an acquaintance with moral, historical, and political truth. It had been found by long, by universal experience, to be the happiest means of familiarizing the minds of youth to useful knowledge, and of breathing into them those generous and sacred sentiments which bind up the greatness of individuals with the glory of a nation. He should be sorry to see any branch of knowledge undervalued; but inasmuch as this branch involved the elements of our morals and our taste, it was of more extensive importance than any pursuit of what was commonly called science. It was too much to hear the charge of wasteful expenditure directed against such a purpose, in a country which had more successfully applied the fruits of learning and science to the business of life than any other;—the country in which a Watt had, by the persevering application of a single principle, surpassed every other individual in the degree in which he had added to the wealth and resources of the state:—in which a Davy, among the brilliant series of his discoveries, had at length invented the means of saving annually a number of human lives. Surely this was not the nation in which it should be said, that knowledge and science were articles of luxury, matters intended for the indulgence of the opulent only. It must have been a hasty consideration of the subject that had induced the hon. and learned gentleman to make a degrading exception of classical literature; and he was still more surprised that it should be distinguished from works of design, as having less claims on the patronage of the state. He admired the Elgin marbles with as much fervour as his knowledge of the art enabled him to feel; but why were the remains of ancient sculpture to survive the productions of ancient orators and poets?—Why was the statuary who restored the one, to take a higher seat in public favour than the Bentleys or the Porsons who illustrated the other? The present system of education could not be properly judged of without a reference to its general operation on the minds and morals of society, which, in his opinion, were most favourably influenced by that feeling of enthusiasm for ancient writers, and even the disposition to exaggerate their merit, which it tended to inspire. He had only to add, that the literary honour of the country was an object of no inconsiderable magni-

tude in his eyes: and that, with regard to the rules and regulations prescribed by the guardians of our national repository on the admission of strangers, he had reason to believe they were framed and applied in such a manner as to afford every facility to studious men, with as free an access to the public in general as was practically consistent with the objects of the institution. [Loud cries of Hear, hear!]

The Resolution was then agreed to.

CONVICTION OF OFFENDERS REWARD BILL.] On the motion for the re-committal of this bill,

Sir *C. Burrell* said, he must object to the Speaker's leaving the chair, as he considered the measure to be injurious to the country, by defeating the ends of justice. As a magistrate, he was persuaded that the present system had stimulated the officers of police to exertions of every kind; but, disapproving generally of the proposed measure, he, nevertheless, still coincided with that part of the bill which facilitated the payment of the expenses of prosecutors.

Mr. *Bennet* observed, that this bill provided that persons engaged in apprehending and bringing felons to justice should be duly rewarded; and therefore there was no ground for the objection of the hon. baronet, who was no doubt as anxious as any one concerned in framing the bill, that the system of rewards should not be such as to induce persons to get up crimes and instigate criminals, merely with a view to their own profit. It was solely with a view to put an end to this mischievous system that the present bill was brought forward.

Mr. *N. Calvert* objected to the bill, because it would excessively overload the county rates, already so highly burthened.

The House having resolved itself into the committee,

The *Attorney General* said, he wished to propose one or two amendments to the bill. What he should suggest would be not certainly to abolish the reward or rewards due upon the trial and conviction of an offender, but simply that it should henceforth be left to the discretion of the judge or justices of assize to apportion such compensation as might appear fit, or even to refuse it altogether in the same case. When men had no longer a right to claim the rewards, they would have no temptation to conspiracy; and, on the other hand, there would remain a due encouragement to those who exerted themselves with honesty for the apprehension and conviction of offenders. He still contended for allowing the fee of *5s.* to the clerks of assize, for making out the judge's certificate, on conviction of the offender, but with the provision, that if any clerk should demand a fee beyond the *5s.* he should then be liable to a prosecution for the same. The hon. and learned gentleman concluded by proposing his amendment with respect to the payment of rewards on conviction by the judges or justices, and also that respecting the fee of *5s.*

Sir *S. Romilly* objected to this clause altogether, as by no means calculated to prevent the repetition of those crimes at which humanity shuddered. The present law, he observed, gave a reward of 40*l.* to the informers on the conviction of an offender, to be divided among those concerned in the prosecution according to the discretion of the judge presiding at the trial. His hon. friend in this bill, proposed to take away this reward altogether, leaving a discretionary power to the judge to grant the prosecutor the expenses attending the proceeding; but the clause proposed by his hon. and learned friend still left the reward, only giving the judge a discretion to withhold it or to apply it, as it might seem proper. There was, however, this great objection to the clause, namely, that it required the conviction of the prisoner before any reward could be given.

The *Solicitor General* here interrupted sir Samuel, saying, that although such appeared on the face of the clause, as given in by his hon. and learned friend, yet it was intended to give the judge the power of awarding compensations in case of acquittal, as well as conviction.

Sir *S. Romilly*, in continuation, said, that this certainly altered the case considerably. Still, however, he had strong objections to the clause, which, by suffering the reward to exist, only required the informers to make out such a case as would deceive the judge as well as the jury, and induce him to grant a certificate. He commented upon the rapacity of police officers, not only in London, but also in other great towns, and stated, that in Birmingham a case had lately occurred, wherein police officers had earned 120*l.* by the conviction of three boys. Rewards had the necessary effect of warping the evidence, and of inducing informers to give a

colour to their testimony, calculated to achieve their object in the conviction of the prisoner. The system, besides inducing persons to conspire against the lives of innocent individuals, created in witnesses an eagerness for the conviction of the prisoners, quite revolting. The nearest relatives were seen not unfrequently perjuring themselves to obtain the reward by the death of their kinsfolk, and he had himself known a case where a father had evinced the most shocking anxiety for the conviction of his own son. There was another dreadful evil attending this system, that police officers in the metropolis and other large towns, were anxious to support nurseries of crimes, in hopes that those poor creatures entrapped by themselves might eventually become profitable to them. He would then ask, in what respect the clause proposed by his hon. and learned friend would prevent those evils. If a reward was given to those who apprehend and prosecute criminals, as well in case of acquittal as conviction, all persons so engaged would exert themselves to obtain the highest. Alluding to the pardons lately granted to Brock, Pelham, and Power, he observed, that those persons had been improperly prosecuted, and were convicted of crimes of which they had not been guilty. Pardons were, therefore, very properly extended towards them. The public, however, not being aware of the circumstances of the case, were outraged at the idea that pardons had been granted to those who were least deserving of mercy. This arose from the practice of taking special verdicts in such cases—a practice which he thought might be with great propriety put an end to.

The *Solicitor General* said, that every man must be averse to any system which would tend to create or encourage crime; but the amendment of his hon. and learned friend went not to a fixed reward; that was, a reward, upon a share of which every person prosecuting could calculate. It was true, there was a reward left, but it was left uncertain to the parties and wholly at the discretion of the judges, who might give it in such proportion as they thought fit or might withhold it altogether. There was, besides, another very desirable thing which would be accomplished by it, namely, that the reward was not to depend on conviction, but to be given only in cases where the parties seemed, by their conduct, to deserve it.

Sir *James Mackintosh* conceived, that if the amendment were carried, there would scarcely be any remedy to the law as it at present stood. The bill, he contended, went much more effectually to prevent the giving false evidence than the amendment, for it did away with the parliamentary reward which was hitherto the great temptation to those scandalous scenes the country had so often witnessed. It would be impossible, while the parliamentary reward was continued, to erase from the minds of certain prosecutors, against whom the bill intended to guard, the belief that they were to be paid for conviction. But if the discretion of the judges were left to point out the amount of the reward, then, indeed, a most effectual check would be put to the base desire of conviction from the hope of gain. False accusation had of late become a most flourishing, though an accursed trade, and it was necessary to do the utmost to put an end to it. The design of the other side by this proposition seemed to be to appropriate to themselves the whole merit of the bill without the accomplishment of that object which was most desirable.

Mr. Serjeant *Copley* said, that the objection between the gentlemen at each side of the House was in some degree confined to a matter of form, except in one point, namely, the limitation of remunerating persons engaged in the prosecution of criminals, which he thought was an object of very considerable advantage. He entered his protest against the broad assertion made by an hon. member, that the system of granting rewards had been productive of great confusion throughout the country. He had been engaged for fourteen years on the Midland circuit, and had never known a single instance to justify such a statement.

Sir. *S. Romilly* said, that a very considerable difference existed between the bill and the clause proposed by the attorney-general; for that clause permitted the statutory rewards still to continue. He did not know what the hon. and learned gentleman might think a sufficient proof of abuse arising out of the system of rewards; but, to his own mind, the conviction of five innocent men, which had happened not long since, offered a sufficient proof of the necessity for introducing some alteration in the existing system.

After some farther conversation the Amendment was agreed to, and the House resumed.

HOUSE OF COMMONS.

Tuesday, May 5.

STEAM BOATS BILL.] Mr. Harvey moved the order of the day for the House resolving itself into a Committee on the Steam Boats Bill.

Mr. *Finlay* objected to the Speaker's leaving the chair, and condemned the spirit which had lately appeared, and of which this was a part, for legislating on matters that it were better to leave to the guidance of the parties concerned. The object of this bill was to throw the management of steam boats into the hands of certain inspectors, and by this means, as he thought most unwisely, to throw off the responsibility of carefully attending to the steam-engine from the parties really interested in seeing them work with safety and effect; and all this because some accidents had occurred in high pressure engines. No such accidents were ever known, or likely to happen in those of low pressure, which were in general use. He thought there was no necessity for legislating on this subject, and that it was much better to leave the regulations in the hands of the proprietors, who were of course most interested in seeing every thing go on right. Entertaining this opinion, he would propose as an amendment to this motion, "That the bill be committed on that day three months."

Mr. *Harvey* said, that this bill was brought in by the recommendation of a committee appointed to consider the subject, and before whom satisfactory evidence was given of the necessity of adopting some legislative enactment, by which the recurrence of those fatal accidents that had taken place would be avoided. The object of the bill would be to have the boilers and safety valves so constructed and placed, as to prevent the occurrence of accident by any neglect of the men appointed to look after them; and also to appoint inspectors, who should see that the provisions of the law were complied with, and give a certificate to that effect, before any boat should be allowed to sail.

Mr. *Finlay* said, he would not press his amendment at that moment; but would reserve his opposition until a future stage of the bill.

The bill was then committed.

BREACH OF PRIVILEGE.—MOTION FOR THE DISCHARGE OF THOMAS FERGUSON.] Sir *F. Burdett* stated, that it was his intention that evening to move that Thomas Ferguson, who had lately been committed to Newgate for a breach of the privileges of that House, should be discharged; but as the noble secretary of state was implicated in the grounds on which he should found his motion, he was unwilling to bring the subject forward in the noble lord's absence; which he should nevertheless be compelled to do, unless any of the noble lord's friends could say that they expected him in the House.

The *Chancellor of the Exchequer* professed himself unable positively to answer for his noble friend's appearance, although he believed it was his intention to come down to the House.

In a few minutes afterwards lord Castlereagh entered the House, when

Sir. *F. Burdett* again rose. He said, he had deferred addressing the chair until the noble lord's appearance in the House, as the noble lord was in some degree implicated in the grounds of the motion which he was about to make—namely, to discharge Thomas Ferguson, who had been committed to Newgate by order of the House, for having attempted to influence the vote of some person at the ensuing election. It was impossible for him not to feel the gross injustice of this proceeding, when he called to mind the conduct pursued by the House of Commons, under similar circumstances, in that more flagrant case in which the noble lord opposite had some years ago been implicated. It was indispensable to justice, that criminals, whether of high or low rank, should be treated with the utmost impartiality. If that had been so in the present instance—if justice had been dealt with an equal hand to the noble lord and to this Mr. Ferguson, he should have had nothing to say on the subject, for he understood that the latter had certainly committed that which the House was accustomed to call a grievous offence against its privileges. When he considered that the noble opposite had, on the occasion which he alluded to, been charged with having done all in his power to obtain for an individual a seat in that House, by a mode of corruption the most objectionable; when he considered that for that purpose the noble lord offered to barter the patronage which he possessed; when he considered that it was at that time the peculiar duty of the noble lord, as president of the board of control, to prevent

any corrupt use of India patronage, when he considered that the person in whose favour the noble lord made the attempt was himself a member of the board of control; when he considered, that in order to effect the noble lord's object, it became necessary to induce another violation of duty, on the part of one of the directors of the East India company, who, if he did not take an oath, at least made a solemn asseveration that he would not convert his patronage into the means of facilitating purposes, such as that in question; when he considered that the author of all these circumstances, culpable as he would be in any condition, was infinitely more so when found in the station of a minister,—the whole formed a mass of aggravation, giving to the act a character of the most pernicious tendency. In a moral point of view he was willing to admit that at the time of the occurrence which he had described, he did not think that it ought to be very heavily visited with punishment; for the noble lord had simply acted under the system which unfortunately had long prevailed on the subject, and the existence of which was generally acknowledged; but looking at it in a constitutional point of view, he repeated, that it appeared to him to be one of the most aggravated cases of guilt that his imagination could form. It pleased the House of Commons, however, notwithstanding the truth of the alleged facts was admitted by the noble lord, to come to a resolution, that as the proceeding had only commenced, and was not brought to a conclusion, that although (still keeping up the old pretence) they ought to be extremely jealous of their character for purity and independence, they did not think they were called upon to adopt any definite proceeding with reference to the noble lord. But let that case of the noble lord's be compared with the case of Ferguson. The latter had attempted to do—what? That which did not comprehend a tenth, nay, not a hundredth part of the offence of the noble lord. The noble lord had been a dealer in that kind of traffic by wholesale; he was for purchasing a seat. Mr. Ferguson's object was only to influence an individual in the vote which he should give at an election. In the first place this was a *minimum* of guilt. To influence a vote could not be placed in the same scale of offences as to procure, by undue means, a seat in that House. Besides, in the case of Ferguson there was no scandalous abuse of patronage. In the case of Ferguson too, as in the case of the noble lord, the proceeding had but just commenced. It was in embryo—so much in embryo, that there was every probability it would never have been followed up by any actual step. So that all which applied in extenuation of the case of the noble lord, was applicable in a tenfold degree to the case of Ferguson, who had, nevertheless, been severely punished, by being taken away from his country and family, and shut up in Newgate, for an offence ten times less than that after the commission of which the noble lord got off without censure—an offence, too, still more incomplete than that of the noble lord, as the transaction had barely commenced. He should be glad to know the justice, the reason, or the common sense, of the distinction which induced the House to send one individual to gaol for a trifling offence, and to let another escape without animadversion for a transaction infinitely more criminal. But there was a still stronger case to which he was desirous of recalling the attention of the House. Some time after the occurrence which he had just described, the noble lord, and a late right hon. gentleman, then his colleague (Mr. Perceval), were charged with participating in a transaction of still deeper guilt —namely, with conniving at the procuring of money for a seat in that House, which money was paid to the agent of the Treasury, Mr. Henry Wellesley, not to be put into his pocket, but to be added to a corruption fund devoted to the purpose of influencing future elections for the purposes of government. This was unquestionably a most gross proceeding; and as far as iniquity could be said to attach to the practice of bartering seats in that House, it was most iniquitous. But that was not all. The individual who had paid his money to the agent of the Treasury, having so obtained a seat, when he came into the House unfortunately felt disposed to attend to the dictates of his conscience. On some important occasion, when his conscience would not allow him to vote with ministers, it was intimated to him that he must either resign his seat, or vote against his conscience. To ministers it was indifferent which part of the alternative the individual in question adopted; to the hon. member it was not so, and he gave up his seat. Here, then, there was every possible circumstance of

aggravation of which the crime was susceptible. It was the act of a minister of the Crown. It would have been reprehensible in any individual: but it was a hundred times more so in a minister of the Crown. Here was a corrupt purchase and sale for money of a seat in the House of Commons, with the agreement that the conscience and understanding of the individual holding it were not to be exercised. It appeared that there were two kinds of conscience—that there was not only a parliamentary language, but a parliamentary conscience—that an individual was to be expected to decide by his private conscience in one case, and by his parliamentary conscience in another. The gentleman who had purchased the seat in question, not being able to reconcile his parliamentary conscience with his private conscience, resigned the seat which he had purchased. Here was a member, purchasing in the most iniquitous way from the Treasury—from ministers a seat in parliament; and having so purchased it, he nevertheless felt himself compelled by his sense of honour to give it up. This was no unfinished transaction. It was as complete as an epic poem. It had a beginning, a middle, and an end. One would have thought that the House was placed by it in such a situation, that it could adopt only one course of proceeding. But no: notwithstanding what had before occurred—notwithstanding the resolution of the House, that they were not bound to notice the former proceeding (not a tenth part so criminal as the latter), on the ground merely of its having been incomplete—what did they do? Why, it was declared from all parts of the House, that the practice in question was notorious. By one it was said to be as notorious as the sun at noon day; by another, to be as common as the streets of the metropolis; and by the majority, to be so universal, that it would be unjust to visit the noble lord and the right hon. gentleman with punishment for having adopted it. On that occasion he (sir F. Burdett) certainly felt no great anxiety that those persons should experience any heavy vengeance well knowing how many had been guilty of similar proceedings, and well knowing in what way the House of Commons was constituted. But, with all these circumstances staring them in the face; with the avowal of the existence of the practice made in the House, at the periods to which he had alluded; with the illustration of it contained in the petition presented four or five and twenty years ago, from the Friends of the People, complaining of the abuses that took place in the composition of the House, alleging that a certain, and that not a small number of the members were nominated by peers of the realm, and offering to substantiate that allegation at the bar—it was too unjust, and too disgusting, on the part of the House, when an unfortunate individual like Ferguson had merely done that which it was allowed had been long a common practice, to seize him on pretence of maintaining that purity which, in fact, did not exist, but of which they affected to be jealous, and to make him undergo a severe punishment, when at the same time over ministers, who were detected in the commission of an offence of infinitely greater enormity, they unhesitatingly threw the shield of impunity. This robe of purity the House could one day wear, and the next throw off, just as it suited their convenience; though when stripped of it nothing was to be seen underneath but "filthy dowlas." But was it possible that gentlemen thought the country so blind and so stupid—did they think that all sense of justice was so completely extinguished in it—that it could look at this transaction without feeling indignation as warm as that with which he (sir F. Burdett) viewed it? He remembered one of Æsop's Fables, in which it was related, that at a certain time the morality among the beasts of the forest was so great, that, attributing it to the vengeance of the Gods, they assembled in much consternation to discover, if possible, what crime they had committed to draw down upon them so heavy a calamity. The lion of course was the first to address the meeting, and for his part disclaimed any sanguinary act by which he could have incurred the divine anger. He was followed by the wolf, the leopard, and the other beasts of prey, who all declared themselves equally innocent. At last came the ass, who, with much hesitation and shame, confessed that he had once purloined a cabbage; upon which the other beasts loudly and unanimously exclaimed against him as the obnoxious criminal, and instantly tore him to pieces as a just sacrifice to offended heaven [a laugh]. Similar was the conduct pursued by that House. But miserably deceived were they if they thought by such conduct they could retrieve the character which they accused others of endeavour-

ing to run down, and which he admitted was utterly lost and gone. By throwing the broad shield of impunity over the noble lord and the right hon. gentleman, they had partaken in the offence against the constitution of which those individuals had been guilty. Well might Ferguson say, that although he was aware the laws rendered that which he had practised criminal, yet that the House of Commons, by their treatment of the noble lord and his colleague, had given a different interpretation to those laws; that they were now to be considered obsolete; that the House of Commons, by a distinct decision, had declared that the practice which those laws contemplated as unconstitutional was not so; and that it would not call down on those who joined in it the vengeance of parliament. He would not take up more of the time of the House, for the case lay in a small compass; but, under the circumstances which he had mentioned, would merely move "That Thomas Ferguson be forthwith discharged."

Lord *Castlereagh* said, that he did not know any thing of the case of the individual in question, not having been present when the proceeding was taken by the House, on the report of the committee of privileges, to whose consideration that case had been referred. It was very evident, however, to him, that the only object which the hon. baronet had in his present proceeding was the common one with that hon. baronet, of endeavouring to find in any part of the transactions of that House some impeachment of the character and dignity of parliament. He generally observed, that whenever any incident occurred which seemed to show that the hon. baronet did not fill the space, which in his own opinion, he ought to occupy in the public eye, he endeavoured immediately to recover at least a portion of his lost popularity, and on the day succeeding such disaster, to try to regain the esteem of the worthy characters whose approbation he courted, by some proceeding similar to that which he had just originated, and consonant to the feelings and disposition of the persons whom he wished to conciliate. With respect to the circumstances to which the hon. baronet had alluded in the course of his speech, he could assure him that he felt no soreness whatever. The subject had been fully discussed and determined upon by parliament. And as to the propriety of acceding to the motion of the hon. baronet for the liberation of Mr. Ferguson, he was the last man to give an opinion upon it, having (he repeated, not been present at the discussion of that individual's conduct. It was quite impossible, however, to mistake the hon. baronet's views in this business, or to doubt that this was one of the many efforts so perseveringly made by the hon. baronet for the destruction of the constitution and of the character of parliament.

Mr. *Wynn* observed, that if he understood the hon. baronet's object, it was, that the House should rescind that which it had already determined, not because it had determined erroneously, but because nine years ago it had omitted to do its duty in a case somewhat similar in its circumstances. To that omission he was no party. He was certainly at the time in favour of further proceedings. Still it was a decision of parliament, and was a precedent, but whether to be imitated or avoided was a fit subject for consideration. It would be a sad thing, indeed, if, because the House had in any single instance neglected its duty, it could in no subsequent instance perform it. He would not enter into the case of Ferguson, for the hon. baronet had not touched upon it. Indeed, the hon. baronet had not thought the case of sufficient importance to attend the discussion upon it; but a week after it was disposed of, the hon. baronet came down, and, without notice, proposed to the House to rescind their deliberate determination. The hon. baronet had laid no ground whatever for his motion. What took place in another parliament in 1809 was no ground. Besides, it was not correct to say that the noble lord escaped without censure: although certainly he (Mr. Wynn) thought the censure too mild. The next year parliament passed an act to remove some doubts which existed on this subject by declaring acts similar to that with which the noble lord had been charged penal offences. With respect to the other case in 1810, to the decision in that case, he (Mr. Wynn) was no party. But the ground of it was that parliament having just passed the act to which he had alluded, it would not be just to make its operation retrospective. To accede to the hon. baronet's motion would be to declare that the bribery of electors was no offence, and to annul all the practice of our forefathers from the earliest periods of the history of parliament. On these grounds it appeared to him to be

impossible that the House could entertain the hon. baronet's proposition. Whenever the case might come regularly before the House on the petition of the individual suffering under its displeasure, it would then be a fit subject for consideration, but at present it was not so.

Colonel *Wood* said, that the hon. baronet, who was so ready to accuse others of undue practices in election matters, would perhaps remember when, in his first contest for Middlesex, he had little prospect of being returned, three hundred millers voted for him as proprietors of a mill which was not built, and of which they had become possessed but the preceding night! that the sheriffs were sent to Newgate for gross partiality to the hon. baronet, and the election was declared void. On the second contest of the hon. baronet for Middlesex, never was there a greater display of universal suffrage. Persons who were qualified, and persons who were not, were indiscriminately polled, until prosecutions for perjury were set on foot, and many of the votes abandoned; and eventually the hon. baronet did not obtain his seat. Perhaps the hon. baronet might remember the third election for Middlesex, at which he was a candidate, and at which all the practices resorted to at the second election were exposed and brought to light; and at which, while the present member for Middlesex polled 3,000 votes the hon. baronet polled only 800. This was the history of the hon. baronet's contests for Middlesex. If he had forgotten them the electors of Middlesex had not: and were the hon. baronet to start a fourth time, he would experience the same result.

Mr. *Brand* regretted the introduction of personalities into the present discussion. His hon. friend had alluded as slightly as possible to the individuals whom he had been obliged to mention—[A laugh from the Treasury bench].—Gentlemen might laugh, but they might remember the hon. baronet said, he rather wished, on the occasions to which he had adverted, that the offence should be visited with a light hand, because it was one of such general notoriety. He did not, therefore, think that the hon. baronet had pressed the subject in a way that ought to be at all offensive to the noble lord or to his personal friends. His object in now rising was, to state the reasons which prevented him from concurring in his hon. friend's motion. He had most unwillingly witnessed the introduction of the charge against the noble lord, and the right hon. gentleman nine or ten years ago. He had most reluctantly felt himself bound on that occasion to vote for the resolution inculpatory of their conduct; but having done so he felt it a duty to maintain his consistency by pursuing a similar course with respect to Ferguson. If the House were to agree to his hon. friend's motion, it would be at once to declare to the country, that all irregularities or breaches of privilege with respect to elections were thenceforward to pass unnoticed and unpunished. In his conscience, therefore, he must oppose the motion; though he confessed he was at a loss to understand how those hon. members who rejected the former resolutions inculpatory of the noble lord, could reject his hon. friend's present proposition.

Mr. *Curwen* observed, that the bill which he introduced several years ago would have gone far to remedy such evils as that to which the attention of the House was now called, had it not been deprived of all efficacy by the amendments which were engrafted on it.

Sir *F. Burdett*, in reply, observed, that as the noble lord had said so little on the subject now before them, he did not think it necessary to take any notice of what had fallen from him. As for what the hon. colonel had said about the Middlesex elections, he certainly had a perfect recollection of all the proceedings connected with them; indeed, no man had less reason to forget them than he had. He had twice experienced the remedy which the House in its wisdom had thought proper to provide in cases of contested elections; and he could assure them, that to enjoy that benefit a third time would be out of his power. As to the votes of some of the electors on that occasion not being connected with property, the observation came badly from the hon. member, who ought to know that most of the votes for the boroughs in the country were wholly unconnected with real property. The mill votes, which the hon. member had mentioned, were objected to, and the election was, in consequence twice referred to a committee; but that committee, though they had set aside the election, never came to a decision upon those votes. They were got rid of in a general way, on the ground that the owners were never assessed to the land-tax. The observation upon that

subject from the hon. member was therefore not at all in point. It was true, the sheriff of Middlesex had been sent to Newgate for the return he made; but under what circumstances? He could not have struck off the names from the poll books of numbers who had voted, and he happened to return a candidate unfavourable to ministers; but on the subsequent election, when the sheriff refused to return him (sir F. B.), though he had a decided majority on the poll books, he was not sent to Newgate. The hon. member might, perhaps, easily guess the reason. With respect to the motion immediately before the House, he had heard no one argument against it. He should not, however, press the House to a division upon it, from the disposition he saw evinced by several members. Some hon. members on his side of the House seemed determined to vote against it, to support their consistency with a former vote; and the hon. members on the opposite side would vote, from what fell from the noble lord, to support their former inconsistency.

The motion was then put, and negatived.

Alien Bill.] Lord *Castlereagh* said, that in moving for leave to bring in a bill to continue the provisions of the Alien Act, as the subject was one which had been so frequently agitated within those walls, and so recently discussed in the most ample manner, it was unnecessary for him now to occupy much of the time of the House. The Alien bill had received a strong support from one side of the House, and had been as strongly resisted by another. He was sure that he should be the last person who would wish the House to lay aside that constitutional jealousy which it was fitting they should entertain of any measure by which the liberty of the subject, or the liberty of those foreigners who entered the country, and who ought to be received here with every mark of humanity and kindness, compatible with the safety of the state, might be affected. But he hoped at the same time, that the House on this, as well as on former occasions, would consider what was due to the public security, and that they would not let their feelings hurry them away to steps by which that security might be endangered. When this question was last under the consideration of the House, it underwent a very elaborate examination; and there was hardly any view of that part of it in particular which related to the prerogative of the Crown, which had not been examined and probed to the bottom. He did not wish now to enter into the question of prerogative; but this he would say, that he had always held it as inseparable from the governing power in any country that it should be able to take precautions against the machinations of foreigners residing in such country; and that in a country where foreigners were only amenable to the ordinary laws, the government would be unable to provide properly for the security of the state. It had been contended that in former times the Crown, by its prerogative, could expel aliens. But whatever opinion might be entertained with respect to the prerogative in former times, all were clearly of opinion that it could not now be exercised without parliamentary regulation. It was clear that this power could only be now beneficially exercised under the regulation of parliament; and whether any or what law was required, was a subject for the consideration of the House. Taking that ground, therefore, he wished to submit, not a permanent law on this subject, though he was aware that many members thought that some permanent regulation respecting the registration of aliens ought to be enacted. His view at present was, not to propose any permanent law, but merely to propose a continuance of the existing law, and for the same period as had last been taken, namely, for two years. The measure which he was thus proposing to the House, was perfectly distinct from the war alien bill, which was first introduced in 1793. When that bill was introduced we were not merely at war, but at war with a power which acted on a system of sending persons in disguise to those countries with which it was at war, for the purpose of producing convulsions in them; and in the part of the country with which he was more immediately connected, these emissaries were often but too successful. The consequence was, that all aliens, on the face of their coming here, were open to suspicion. Aliens, the moment they were admitted into the country, were assigned a particular part for their residence, were placed under the superintendence of the magistracy, and were not allowed to proceed more than ten miles from their place of resi-

strong at present as in 1816. That might be very true; but as he (sir S. R.) had objected to it as unnecessary in 1816, as he conceived that no fair grounds were then given, he could not think that the same grounds being now advanced, were sufficient. The bill went upon a principle, which, though never openly avowed, was now indirectly stated, namely, that the government of this country was, to minister to the wishes of the despots of Europe. Instead of England being what she always was, an asylum for the oppressed of all nations, she was now to be turned into a sort of depôt for the persecuted, from whence their tyrants might have them brought back at will. He had heard within the last four and twenty hours objections made to a grant for the purchase of a literary collection, which, as was justly observed, might add considerably to the information and to the greatness of the country; but what was the renown which it might acquire by such means, when compared with the glory which would accrue from our being recognised all over the world, as the sanctuary where those who were driven from their homes by political or religious persecutions, were sure to find protection and a safe asylum? Every man, no matter of what country or creed, had always looked in his distresses for an asylum to England, and had always found that which he sought. Why should that great character be now taken away from us? Would the House consent to remove it without a minute inquiry into its necessity? For his own part, he should be the most ungrateful of men, if forgetting the protection which his ancestors and himself had received in this country, he was not anxious that the same resource should be left open to others, who might be similarly circumstanced; if he did not wish for the continuance of that system by which a protection was afforded to all, whether persecuted for religion or politics. It was said, that this measure had been adopted in 1802, which was a time of peace; but was there no better reason to be given for it than that? Was there no difference between the circumstances of the present peace and the short-lived truce of that period? At that time, as was very natural from the circumstances of the previous war, there was no safety in trusting to appearances; but then, even, it was only brought forward for one year, and that by the secretary of state for the home department. Indeed, it was natural to think that it was with him such a measure should originate. He was, as it might be said, the representative of the internal government of the country, and every thing connected with its police was under his peculiar care. It was from him that such a measure should properly originate, and not, as it were, from the representative of the foreign potentates. It was in 1814, that the doctrine was first announced, that the alien bill was not only to preserve the peace of this country, but also to secure that of other nations. There was another objection he had to this bill. It went not only to place at the disposal of the home secretary all such aliens as might come into the country, but also those who had been long settled in it. The number of such persons was, he believed, not less than 20,000, every one of whom might be removed, if any person were found from some, perhaps, private motives to give false information against them to government. This he thought a most objectionable measure, to place men who had adopted this country from choice, and who might also be considered as natives of it at the disposal of the head minister of the police of the country. The bill applied to every man who came into the country, and it put upon him the proof of whether he was a native or not, which under many circumstances was a most serious inconvenience. There was one point in this bill to which he begged leave to call the particular attention of the members for Scotland, if there were any of them then in the House. It went directly in violation of the great charter of their rights, the Wrongous Imprisonment act. It had never, in any part of Great Britain, been made matter of legislation, that the king could send aliens out of the country. There was only the opinion of judge Blackstone for such a doctrine. But no one had ever imagined that the king had the power to send them into any other country. In the treaty of Amiens it was stipulated that criminals should be delivered up by the one country to the other, yet this was done under particular limitations. None were comprehended in those stipulations but persons charged with murder, forgery (which was thought thus equally deserving of exception as murder), and fraudulent bankruptcy, and in these cases the evidence must be shown to be so strong as to ensure conviction. Yet, when those stipulations had come to be

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acted upon, the Crown was unable to send the persons charged with those crimes to the country from which they had come, and it was obliged to apply to parliament. There had been a similar treaty with America, and there was a similar necessity for application to parliament. But the Wrongous Imprisonment act distinctly provided that none should be sent out of the country, and the decision of the court of session had clearly established that this exception extended to aliens. The question was fully tried in the year 1778, in the well known case of Wedderburn and Knight. Knight had been a native of Africa, and had been bought five or six years before by Wedderburn, who had brought him with him to Scotland, and afterwards wished to take him back to Jamaica. Both points, his condition as slave or free, and his obligation to return with the man who had regularly bought him, was decided by the Court of Session. He was not only declared to have been free from the moment he came into Britain, but it was also found that he could not be again sent out of the country. It was true that parliament could repeal this act, as they had repealed the act of Habeas Corpus; but, at least, the members for Scotland ought to be aware of this circumstance. It had not been previously noticed, but it certainly deserved attention. This bill, therefore, as utterly unnecessary, as derogatory to the character of the nation, as subservient to the evil designs of other countries, he could not suffer to pass through this its first stage without resisting it as much as was in his power.

The House then divided:

Ayes 55
Noes 18
Majority ..... —37

The Bill was then brought in, and read a first time.

List of the Minority.

Abercromby, hon. J.	Romilly, sir S.
Atherley, A.	Russell, lord G. W.
Barnett, James	Sharp, Richard
Barham, J. F.	Smith, Wm.
Carter, John	Tavistock, marquis
Folkestone, vis.	Tierney, rt. hon. G
Macdonald, James	Wilkins, Walter
Martin, John	TELLERS.
Monk, sir C.	Althorp, viscount
Morpeth, viscount	Lambton, J. G.
Power, Richard	

PETITIONS AGAINST THE ROYAL BURGHS OF SCOTLAND BILL.] Sir *S. Romilly* presented a Petition from the several Corporations of Shoemakers, Weavers, &c. of the Burgh of Irvine, in Scotland, praying the interference of the House, and complaining of the loss of their rights, from their not having the power of electing their own magistrates which was usurped by the town council, who though they practised the form of electing annually four members, yet contrived that they should always be some of their own friends. It stated the burghs as having, for the last fifty years, been under the control of the family of Eglintoun, and being liable to much injustice in consequence of the burgesses being subject to the debts of the burgh. Sir Samuel called the attention of the House to this important matter, and hoped that as being of much interest to the members for Scotland, it would receive their serious consideration. The petition was not founded on any theoretic views but on facts of which all knew the existence. He was aware that much difficulty had occurred in the explanation of the system under which the Scotch burghs had been conducted; but as the legislature had lately entered into the consideration of the subject, he hoped that this petition would receive the attention it merited.

Mr. *Finlay* stated his satisfaction at the manner in which the petitioners had explained their grievances. Their prayer, as far as related to the choosing of their own magistrates was, in his opinion, perfectly reasonable; and it was to be observed, that they only prayed that the laws of the parliament of Scotland should be reverted to—which had been never repealed, but which, according to the maxims of the Scots judges, were superseded by long disuse. The bill introduced by the lord advocate was inadequate to the object which it aimed at, namely, the auditing the accounts of the burghs, and that object fell very short of the rights of those burghs.

Ordered to lie on the table, and to be printed.

Sir S. Romilly then presented two other petitions from the corporation of bonnet-makers and dyers, and from that of wrights and masons, in Edinburgh, alleging similar abuses, and praying that the present bill may not pass into a law, it being calculated to increase the evil. The petitions were likewise ordered to lie on the table, and to be printed.

HOUSE OF LORDS.

Wednesday, May 6.

PARDONS UNDER THE GREAT SEAL.] The Marquis of *Lansdowne* rose to move the second reading of the Pardons under the Great Seal bill. Having some time ago taken an opportunity of stating the grounds on which he supported this measure, he need not trouble their lordships with many observations on the motion for the second reading. It was only necessary for him to say, that the bill had for its object to believe persons to whom the mercy of the Crown had been extended, from the hardship of paying the fees on suing out a pardon under the Great Seal, which most of them were unable to do. This was the whole extent of the measure as it had come from the other House; but in considering the subject as a whole, it was impossible for him not to feel that the relief ought to be carried farther than the present bill proposed to extend it. At the same time he was very sensible of the difficulty of pressing the relief which he was of opinion ought to be granted to its full extent, at a time when the revenue was deficient. No source of revenue operated to produce greater mischief to the poorer classes than the stamps on law proceedings. The expense they occasioned was an obstacle to the attainment of justice. Hence the numerous applications to the legislature for the establishment of inferior jurisdiction, but of an anomalous and unconstitutional nature. The institution of such courts would never be desired by the people were it not for the difficulties they experienced in obtaining justice before higher tribunals. This was a state of things, with respect to the administration of justice, in which the country ought not to exist. As to the present measure, it went merely to relieve unfortunate persons from paying the fees on pardons, which amounted on each to about 60*l.*, and therefore it could operate in a very slight degree towards the reduction of the revenue.

The Bill was read a second time.

ALIENS.] Lord *Holland* said, that in consequence of what had recently passed in the other House of parliament. He intended to take an early opportunity of moving for some papers relative to aliens. The papers he wished to obtain were copies of any correspondence which may have taken place, since the 20th of November 1815, between this government and the government of any foreign state on the subject of aliens; and copies of any correspondence which may have passed between his majesty's government and the government of the king of the Netherlands, since the 20th of November 1815, relating to passports granted or refused to any individuals. Some time ago, when he asked the prince regent's minister whether there existed any stipulations between this country and foreign powers on the subject of aliens, he answered in the negative; and when he afterwards asked whether any negotiations or correspondence on that subject had taken place, the noble earl stated, that the renewal of the Alien bill would be proposed to parliament, not with reference to any foreign policy, but on the ground of British interests only. This certainly was no answer to the question whether a negotiation or correspondence on the subject had not existed; and it was with a view to be satisfied on that point that he intended to move for the papers he had described. If he had not considered it probable that the motion would be resisted, he should not have deemed a previous notice necessary. He would take another opportunity of fixing the precise day. Their lordships ought to know what the real situation of the country with regard to this question was, before any bill should come from the other House; for he was persuaded that many of the supporters of the former bill had voted for it under the idea that some secret pledge or stipulation had been entered into on the subject with foreign governments.

HOUSE OF COMMONS.

Wednesday, May 6.

EXCISE CONVICTIONS IN IRELAND.] Mr. *Cooper* said, that of all the evils arising from the excise laws, with respect to private distillation in Ireland, there were, perhaps, none more deserving of notice than the collusion which existed so frequently between the officers of excise and the persons who were in the habit of illicit distillation. He knew that country gentlemen were thought to be friendly to illicit distillation; but there was no such feeling, except it might be among the very lowest description; all were equally impressed with the necessity of putting down the practice; it was only the cruel means that were adopted to put it down that he

objected to. It was true, they often suffered from collusion between the excise officers and private distillers. The hon. gentleman said, that he himself had suffered in this way once. A person who had been in the practice of illicit distillation, and hiring out a still for the purpose when he found that trade fail, and that his still was nearly worn out, thought he could do no better than hide the still in one of his (Mr. C.'s) plantations, and inform the excise officer; thereby receiving a reward himself, and the excise officer a fine. He would now advert to the particular case which occasioned his troubling the House, and to which he would request their attention. By an act of the 55th of the king, the having unlicensed malt in possession was constituted a misdemeanor The punishment to be awarded upon conviction, is a fine of not more than 100*l.* nor less than 10*l.* to be paid to the prosecutor; or, instead of fine, a punishment of six months imprisonment. At the late assizes at Sligo, among the indictments which came before the grand jury were a vast number for misdemeanors for having unlicensed malt, in which the excise officers were the prosecutors and witnesses. When the prisoners were put upon their trial, he would beg the House to attend to the way the prosecutions were conducted. The prosecutors, viz. the excise officers, advised the prisoners to plead guilty, and that they would be immediately discharged. They did so, were, of course, convicted, and fined 10*l.* each, for which the prosecutors, viz. the excise officers, immediately gave receipts, without payment, and the prisoners immediately left the court, hurrying, to begin their illicit practices again. It might be asked, why the excise officers had so acted? The reason was, they were perfectly certain of never receiving the fine from the prisoners whom they knew to be unable to pay; it was, therefore, better for the trade to let them go, particularly as the officers were entitled to a reward from the commissioners of excise, of 10*l.* upon each conviction. Now, would the House please to consider the mischievous effects of this proceeding. In the first place, the great encouragement to illicit distillation; and, in the second place, the great expense attending these sham convictions. First, the additional allowances to the military, who, by the way, in one of the instances he had alluded to, had committed a most wanton murder upon a poor labourer, who was going to his work, and who had nothing whatever to do with the business; next to the expense of the military attending on these occasions, were the additional allowances to the excise officers, the expense of the prosecutions and convictions, by the payments to the law officers, and the rewards to the prosecutors, viz. the excise officers, from the commissioners of excise. For these reasons, he moved, "That an Account be laid before the House, stating what Rewards have been promised by or in behalf of the Commissioners of Excise in Ireland to any of their Officers, for the detection or conviction of Persons having unlicensed Malt in their possession: with the number of prosecutions and Convictions for such offence within the last two years, and the Assizes at which such Prosecutions severally took place; the expenses attending the seizing such unlicensed Malt; the Law expenses attending such Prosecutions; the amount of rewards claimed or paid, and the fund from which they were so paid, and the names of the Persons to whom they were paid."

The motion was agreed to.

MAIL COACH CONTRACTS IN IRELAND.] Mr. *Cooper* said, he would shortly state why he felt it right to call for some returns relative to Mail Coach Contracts in Ireland. He took it for granted, that it would not be denied, that the great end to be obtained by mail-coaches was, the conveyance of the mails of letters with expedition and safety; but by the kind of carriage contracted for, in general, by the post-office, neither of these objects were attained. The carriages, in most cases, were heavy coaches, carrying six inside and four outside passengers, which, with the coachman and guard, made twelve persons; now, it was easy to see, that this coach, with the quantity of luggage and parcels which they must necessarily require, could not travel at mail-coach rate. The consequence was, that those carriages, though the mail-coach roads were excellent, travelled at only six English miles an hour, when the very slowest of the mail-coaches here travelled at seven, and most of them at eight miles in the hour. The bad consequences of these heavy coaches to the trade and commerce of the country were very great; for, by an early obtaining of their correspondence, the merchants could better regulate their markets and their trade. It was evident, as the mails left town always

at the same hour, that by increased expedition they got farther on their journey before they met the return mail; and, therefore, that, by increased expedition, many of the intermediate post towns could receive answers to letters the same day that their letters were delivered. But one circumstance, which he thought most culpable, was, the entering into contracts in reversion, sometimes for fourteen, sometimes for twenty-one years, thereby saddling the country with these heavy coaches for that length of time. This practice, he was of opinion, should be put an end to. It was therefore he begged leave to move for abstracts of contracts with proprietors of mail-coaches, stating the number of passengers to be conveyed, rate of travelling, &c. &c.

This motion was agreed to.

Irish Grand Jury Presentments Bill.] Mr. *Vesey Fitzgerald* rose, to call the attention of the House to the motion of which he had given notice, on the subject of Grand Juries in Ireland. It would be recollected, that, in the course of last session, the House, after a deliberate examination into the laws which governed the proceedings of Irish Grand Juries, directed that a certain number of county surveyors should be appointed, to decide on the practicability, and examine into the expense, of such public works as should be presented to these juries. In consequence of the impossibility of procuring competent persons to fill the offices of these county surveyors, that part of the act of last session had been suspended early in the present. He lamented that it was found necessary to suspend this part of the act; and he begged at the same time to state, that in the bill which he now intended to introduce, the clause for the appointment of county surveyors would be altogether omitted; neither was it his intention to embody in the bill that provision most objected to in Ireland, of restricting the reception of presentments to the assizes at one part of the year; he meant to leave the arrangement of that business precisely as it heretofore stood. The opinion of every fair man on the state of grand jury business in Ireland, was, that some alteration in it was necessary, to prevent grand juries from being surprised into decisions on presentments, without having an adequate opportunity of considering either their necessity or merits. To remedy this evil, he meant to propose, that all presentments for new works should be submitted at a full attendance of magistrates (an attendance that ought to be rendered imperative) at the quarter sessions to be held previous to the assizes, at which these presentments were to be laid before the grand jury. It was not intended that either the approval or disapproval of these presentments by the magistrates at the quarter sessions should trench upon the prerogative of the grand jury, or prevent their proceeding, as usual, to consider the grants thus submitted to them—the previous submittal of the intended grants to the magistrates was by no means intended to control or supersede the legal province of the grand jury—on the contrary, it was rather meant to facilitate and enlarge the performance of their duty, by enabling them to have better information on the presentments submitted to them, than it was probable they previously had, and thereby enabling them, perhaps, to order public works, from which they might have previously refrained from conscientious scruples, as to their want of adequate information to justify this appropriation of the public money. It was most desirable, in all cases of these presentments, that the utmost publicity should be given on the nature of the several applications for local grants. In all cases it was known, that an affidavit of the necessity of the application, and of its probable expense, was made; but in nine hundred and ninety-nine cases out of a thousand this affidavit was made in the dark, as to the expense, and the effect was, that little attention was paid to the sanctity of the oath, and a moral laxity of course prevailed as to the solemnity of the obligation. In lieu of this part of the former system, he meant to propose, that no person should be called on to swear positively as to the definite amount of expense, but that it should be competent for the magistrates to call for such evidence as the nature of the case admitted, in support of the different presentments. He would not, at this moment, trouble the House with any details of the measure, which might be better explained in a future stage; he would merely state, that, in addition to this preliminary regulation, on the probable expense and necessity of the proposed works, it was his wish to make more efficient arrangements for the accounting branch of the expenditure which may be ordered. At present there was no accounting for this ex-

penditure in the manner that there ought. He meant to introduce a provision which called for all the details of the expenditure voted, and rendered it necessary for the party to produce proper evidence, on oath, as to all the items for which he paid the public money; and also that such inquiry should be openly carried on *coram judice*, and the accounts liable to be traversed until the next assizes. It was far from being his intention to introduce any irrelevant matter on this subject, or to provoke any hostile feeling, where none, upon a proper understanding of the subject, ought to exist. He disclaimed casting the slightest reflection on the grand juries: it was the system that necessitated the remedy, and not any impropriety on the part of the gentlemen who guided its operation as the law stood. To lay a parliamentary ground for the necessity of some control in the accounting part of the presentment money, he had only to state this strong and indisputable fact, that in no instance, save one (and that was looked upon as an act of romantic virtue), had one farthing been returned of the sums voted for public works—though it was notorious that the sums sworn to as necessary at the outset, embraced a major view of the expense, and always left room for eventual contingencies. When these sums amounted to half a million annually, the House might form some idea of the importance of a proper check on an expenditure so conducted. This check could be only properly had by an examination in open court and before a jury, with a liability to have the accounts traversed.—To his motion he could anticipate no objection. It did not, as he had before said, trench on the power of grand juries, but, on the contrary, it gave them a better facility of transacting their business than they heretofore possessed. It was far from his wish to take an iota from their proper authority, as he was aware of the value which Ireland must derive from the local residence of a gentry very properly exercising the right to order the necessary expenditure of their own counties. He was sure that this authority could not be vested in fitter hands, and that the law, as he proposed to have it amended, would enable the grand juries to do their business as they would wish it to be done, without being liable either to imposition, or a want of proper information on the subject of any presentment that might be submitted to them. So important did this reformation in the grand jury system in Ireland appear to him, that he was determined to persevere in calling the attention of the House to the subject, nor should any consideration deter him from following up the matter. He should, at least, have the consolation of feeling that he had performed his duty; and his labours would be abundantly repaid, if he found in the result, that he had saved a single peasant from the expense of an assessment which he ought not to have borne, or protected the rights of the humblest individual from the slightest invasion or oppression. Added to this would be the invaluable reflection, that he had tried to check a system of taking oaths, which was most offensive to the best interests of religion and morality, and most dangerous to the community at large. He then concluded by moving, "That leave be given to bring in a bill to provide for the more deliberate investigation of Presentments to be made by Grand Juries for Roads and Public Works in Ireland, and for accounting for Money raised by such Presentments."

Sir *George Hill* concurred in the motion of the right hon. member, and expressed his hope, that although he had but slightly hinted at the necessity of requiring sufficient security from the treasurers of the counties in Ireland, that this important matter would not be forgotten.

Mr. *Denis Browne* did not rise to oppose the motion. He fully concurred in the opinion, that if any part of the system of grand juries were found injurious in its operation, the legislature ought immediately to apply a remedy to the evil. He could not, however, help observing, with reference to the proposed bill, that it did not contain a single principle which was not already provided for by the existing law. He saw no additional security provided on the subject of the oath: it was already publicly taken, and the alteration was only that the party on whom it seemed no reliance was to be placed, should undergo an examination on the strength of that obligation, to which it appeared he was indifferent. The right hon. gentleman then stated that no modern alteration had taken place in the mode of levy for these assessments. In the county with which he was more immediately connected, no alteration in the assessment had taken place since the time of lord Strafford. The grand juries were not chargeable with any defect in this branch

of the system. It should, besides, be kept in recollection, that of the large amount said to be levied by these bodies, a very considerable portion went for quite different purposes than the building bridges or roads—it went to pay the local establishments of the police, and constables, to support the gaols and pay the expense of carrying sentences against prisoners into execution, to support certain charities; in fact, there were a variety of expenses of this kind, and to a very large amount, which these assessments included.

Sir *Henry Parnell* approved of the general features of the bill, though he certainly would prefer it with any provision for making another effort to carry into execution the system of county surveyors. Out of a list of eighteen surveyors, three had only been found competent before the commissioners as candidates for these offices, and nothing would be more unfair than to suppose that, because no return of approbation was made, no competent persons were to be found to execute so important a duty. The real fact was, that a most extensive weight was imposed on the surveyors, a part of which might be spared if a modified measure were considered. By the former provision they were not only called on to estimate the expense, and superintend the execution, but also to examine into all the details during the work. They might, under a modified scale, be relieved from a part of this duty, and yet left with enough to perform for all public purposes. Another alteration might be made in the mode of managing the public expenditure; this should be done as much as possible by contract for the works, and not by a daily superintendence of the details.

Mr. *Peel* said, that he had been last year friendly to the appointment of county surveyors, but on mature consideration he had seen reason to change his opinion. On this subject he might be considered a disinterested witness; for government would have had the appointment of a surveyor for each county. The hon. baronet had said that the commissioners decided on supposition that persons qualified for the office were not to be found. But there had been a fair trial, and it was not till after such trial that the commissioners reported that they could not find any person sufficiently qualified for the office. On other grounds he was averse to the appointment of county surveyors: it would be difficult to prevent the appointment from degenerating into abuse. No dependence was to be placed on the certificates of the persons who applied to be county surveyors. Every certificate produced to the commissioners bore on the face of it the most respectable qualifications; but the certificate was not borne out by subsequent examinations. No less than ninety-five persons had applied.

Leave was given to bring in the bill.

PURCHASE OF GAME BILL.] Mr. George Bankes having moved the second reading of the Purchase of Game bill,

Mr. *Curwen* said, he did not think that the discussion of a bill of such importance should be brought on in so thin a House. He therefore recommended the hon. gentleman to postpone the second reading till there should be a fuller attendance.

Mr. *G. Bankes* objected to the postponing of the second reading any longer. He had put off the discussion too often already at the recommendation of honourable members. It was extremely necessary that the second reading should take place before the holydays, if it was to take place at all. If there was no desire now to discuss the measure, the bill might be read a second time that night, and discussed in another stage, either on the question that the Speaker leave the chair, or the motion for the third reading. The hon. gentleman then said he would enter into a short statement of the object of the bill, and reply briefly to the objections brought against it. He had reconsidered the measure now proposed, and saw no reason to alter the opinion he had formerly stated. He had brought in the bill on the principle, that every branch of the law should be rendered effective, so long as the law itself was not repealed. So long as we had statutes against the sale of game we ought to give them effect by provisions calculated to ensure their execution, and proceed as far as we could in preventing the punishment for offences, by taking away the temptation to commit them. This bill placed the purchaser of game on the same footing with the seller, and levelled all distinctions of classes, by subjecting them to the same penalty. He knew that there were gentlemen of a different opinion from that which he was now supporting, and who thought that game ought to be allowed to be sold in the most unrestricted manner. A report had been made to the House on the game laws, in which there was a recommenda-

tion to make game private property. That report had been laid on the table of the House two years ago, and had as yet produced nothing. When any member should bring forward a comprehensive measure founded on this report, he should be willing to agree to the repeal of all the game laws; but so long as they existed, their operation should be made uniform, which was the object of the present bill. He could not help remarking, that the report alluded to involved two historical errors; first, that game was originally the property of the owner of the soil; and secondly, that the game-laws were formerly milder in their operation than at present. Those statements appeared to him to be unfounded. The game-laws had now, instead of being more severe than formerly, lost almost all their rigour; and he did not object to improvements by which their remaining penalties might be lessened; but as this was a work requiring mature deliberation, and attended with much difficulty, it should not be precipitately undertaken. In the mean time, temptation to a breach of the law, while it existed, should be reduced as much as possible, and this would be done by the present bill. He had heard it objected to this bill, that if it passed, as game could not be afterwards bought, the class of consumers who now purchased it would have no means of obtaining it. He did not see the force of this objection. Game not found in the market would be sent to town as gifts, and the tables of the rich might thus be as amply supplied as before. If there was any thing enviable in the situation of a country gentleman, as connected with this species of wealth upon his estate, it was the power of making presents of game to his friends. The value of this privilege depended on a prohibition to sell, either on the part of the proprietors, or of those who might invade their rights. It had been said that this bill enforced severe penalties, and might lead to oppression. This was not the case. It merely enacted penalties against the higher ranks for the purpose of removing temptation from the lower. He had received a letter from Bath yesterday which illustrated his present object. Some poulterers there having been prosecuted, stated that they could not have incurred the penalties had they not customers, who would be their customers only so long as they could supply them with game. His bill, therefore, by prohibiting the purchase of game, would protect this helpless class of persons. The hon. gentleman concluded by moving the second reading of the bill.

Mr. *Curwen* said:—Sir; in opposing the further progress of a bill to make penal the purchase of game by qualified persons, it is not with a design to continue to the monopolist a right of doing with impunity that which subjects other individuals to punishment. My hostility to the measure arises out of a very different view of the question. The misery and suffering produced by the game laws call imperiously on the legislature to remove them from our statutes, rather than to adopt any measure which may increase their number. The bill now before the House, if passed into a law, I am thoroughly convinced would be found ineffectual for accomplishing its object, as the qualified purchasers of game are beyond the reach of legislative enactment. Though I feel assured it would fail in effecting its purpose, yet I conceive very serious mischief would result from its operations. The design of the bill is doubtless to protect game—but how would it act? The additional difficulties intended to be thrown in the way of purchasing game would operate, if at all, to enhance its price, and ultimately to become a premium to the poacher. I do not mean to contend that it might not afford facilities in convicting the agents employed in the purchasing game; but, however, it might swell the number of victims in that catalogue, not one would be found of the description against whom the bill is levelled. The cure of this evil will require a very different remedy. I would intreat the House to pause before it is prevailed on to take any step calculated to extend more widely the crime and wretchedness produced by the laws in question. The House cannot have forgotten that it was in proof two sessions ago, by the papers on your table, that 1,200 persons were immured in various parts of the kingdom for offences against the game laws. Did not this disclosure shock every unprejudiced man within and without the walls of this House?—The legal criminality and fatal consequences which spring from these offences call loudly for prevention. The ruin and distress that overwhelm so many poor families are perhaps the least of their calamitous effects. The contamination of morals, contracted in prisons, leads to the commission of every species of crime. Does any one suppose that poaching can

be suppressed whilst the game laws remain as they are? I hope the period is not far distant when the legislature will be induced to go seriously into their revision; for, whilst they inflict the cruelest sufferings on the working classes of the community—whilst they are wholly inadequate to the purposes for which they are intended—they contribute to destroy what they were meant to protect. I am no enemy to the preservation of game; for whatever can contribute to induce gentlemen to reside in the country is an object of national importance. This preservation, I verily believe, is to be obtained with as general a consent and with a full approbation in its favour, as most of the existing game laws are contrary to both. Were game to be made property, and protected by moderate penalties, the destruction of it would be considered in a very different point of light. It is hopeless to look for obedience to laws which, by a great proportion of the higher orders, as well as by the whole of the subordinate ranks in society, are regarded as oppressive, tyrannical and unjust—trenching on the rights of the many to favour the few. The poacher, however obnoxious to the sportsman, suffers nothing in moral estimation while his depredations are exclusively confined to game—no turpitude is attached to the offence—public opinion holds the game laws in detestation. Those only who resort to their protection are friendly to them; attempts to enforce them rigorously are always attended with general disapprobation and odium. How many estimable individuals, misled on this point, have, from the unpopularity of seeking their inflictions, been driven from their mansions! Nothing, in my opinion, would contribute more to the comfort of country gentlemen than a total and radical change in the game laws.—To judge fairly of this question, it behoves the legislature to take into its consideration the changes which have taken place not only in the country but in its national character. The game laws originated when there existed but one source of affluent property—the landed proprietor was exclusively in possession of the riches of the country. The monopoly of game, whilst this state of things continued, was little felt as a grievance, and there were few temptations to induce a breach of the laws. How is the country now situated? Within the last century so far from the landed proprietor being the great possessor of wealth, the capital from manufactures, trade, and funded property, is seven times as great as that from the land. The expenditure in luxuries is on the side of commerce—the national bent and feeling is commercial. Public estimation is equally the reward of merit in all ranks—exclusions there are none. If we had the power, would it be wise, or even expedient, to maintain a monopoly which is invidious? The thing cannot be permitted: it is out of our power to protect it, and I will add, it ought not to be attempted.—The temptation which will be held out by the wealthy, for procuring that which is deemed a luxury, will defeat any penalty, any punishment, we can inflict. Both wisdom and humanity demand of us to remove all obstacles to the fair and open sale of game. So obnoxious are the game laws, that few consider the transgression of them a crime. The cause and the effect are too remote. The proprietors of land under 100*l.* a year consider these laws as a direct violation of every principle of justice. The labouring classes, one and all, share this opinion, and the only motive operating on their minds to restrain them from the destruction of it is the fear of punishment.—A right founded on injustice is, in truth, entitled to no respect. The poacher considers he is only retaliating the wrong done to all that class of proprietors who are below the scale of the monopoly. By rendering game property, and by giving to every one the right which belongs to him, mankind would be induced to view the subject in a very different light. Gentlemen are much mistaken if they attribute the decrease of game to the destruction of it by poachers. It is the tyranny, the oppression of the laws for its protection, that causes its decrease. How few are there who preserve their game with strictness! How large a part of the possessors of landed property have a direct interest in its destruction! Make the laws equitable, and every one would be found disposed to protect it. The increase would then soon be seen, as every great town in the kingdom would be supplied without the least interference with the pleasurable pursuits of sportsmen. The poacher would then have not only all the penalties of the law to hazard, but he would incur the odium of public opinion; there would be so multiplied an interest against him, that few would be so fool-hardy as to attempt it, while the temptation would be lessened by the prices of

game being reduced.—Sir, the principle of espionage which this bill is calculated to establish is what I detest; it is contrary to every British feeling. To put masters in the power of their servants is odious. To hold out a temptation to a domestic in a moment of irritation to such revenge, is to open a door to the destruction of the individual. If the bill should work at all, it would be highly injurious to the country. Believing, as I do, that it will be either nugatory, or will give greater facilities to the conviction of inferior offenders only—in either view I am hostile to the measure: I would not consent, for one, to any step that could have the least tendency to perpetuate the game laws. If game can only be preserved by the sacrifice of the liberty of twelve hundred British subjects, I should rejoice at any means which could at once be invented for the total destruction and extinction of it. I say, Sir, that for one, I feel it a national reproach that the preservation of game should be maintained by such a visitation of legal misery to my fellow creatures; and it is in the power of the legislature, by adapting laws to the existing state and circumstances of the country, not only to cure these crying evils, but at the same time to contribute, in a high degree to the comfort, and increase the amusement of the sportsman.

Mr. *Brand* opposed the bill. The game laws, as they at present existed, were, he said, opposed to nature, justice, morality, and social intercourse. Their severity ought to be diminished instead of being increased. The system demoralized the lower orders; for persons who were rich would buy game at any events. It was also objectionable on the principle of universal justice; it was but fair that he who maintained the game should have the enjoyment of it, and the occupier maintained the game as much as his own stock. For the last two years he had intended to bring the subject before the House, but had delayed it, partly on account of its difficulty, and partly because another measure was before the House, and he wished to hear the opinions of some, who he knew, agreed with him, and others who differed. He opposed the bill, in the hope that the present cruel and mischievous system might meet with reprobation; and he trusted that they would get rid of this absurd remnant of feudal aristocracy, which caused so much discontent and bribed the poor into vice. He wished to make game property, and give all who could afford it an equal chance of the enjoyment. It had been objected to this plan, that if a man made a preserve for the purpose of sale, his neighbour might kill all his game that flew out of the preserve; and so, in his opinion, the neighbour ought, for he contributed mainly to its support, and the preserver might avoid the inconvenience by purchasing the next field. The oppressive severity with which the present laws were enforced, was attested by the fact of 1,200 persons having been imprisoned for offences relating to the game last year, and their resistance had caused the death of many others. Besides all this, the poacher's habits led to other vices, and the laws that attempted to repress them were in every respect promotive of the evil.

Mr. *Lockhart* said, the bill was unnecessary. Unqualified persons were already subject to penalties for having game in their possession, and a bill which prohibited purchasing could not prevent it more than those penalties. As to qualified persons, they had a right to the possession; and therefore to convict them under this bill, the contract must be proved. But by whom? by the seller?—would he so destroy his own market? By the poacher?—would he impeach his best friend? The contract could only be proved by the treachery of servants or near relations, and by creating dissension in families. Clauses of this description, excusing an offender if he discovered another, had been found ineffectual in other statutes: for holding out indemnification to the person who made discovery of an offence, and therefore excusing his own, led only to chicanery. An offender might inform against a person in league with him, who was constantly on the move, and in some distant country. In the statutes against bribery, a clause of this description had wholly failed, and the law only removed the punishment from the head of the tempter to one who was comparatively innocent. In all our penal statutes, the offence was, having goods in possession, not merely buying. Thus, as to smuggled goods, or the embezzling of naval stores. The bill did not say that game had decreased, and he believed that it had considerably increased in quantity. As to the proposal for making game property, he did not think it would obviate all the evils of the game laws; it might be very

well for one who possessed a whole parish, but the small landholder might find it worth his while to league with poachers, and allow them to decoy his neighbours game on his own slip of land. In France it was found advantageous for the commune to appoint a game-keeper, and let any person sport who would pay for the privilege. Though he despaired of seeing any radical change in the game laws, he thought the present bill unnecessary.

Sir *C. Burrell* defended the bill. The game-laws, he said, occasioned no injustice where the landlord retained in his lease the right of sporting. He thought the bill would not have the effect of shifting the punishment from the most guilty. As to the 1,200 persons committed, there had been an increase of crimes in every way, and this was but a small proportion of the whole. A man of large personal property would in all probability have a hundred acres of land somewhere, so that there was no exclusion in the present system. It was not that system which encouraged crime, but the purchasers of game. There had been very little unanimity in the former committee, except on the question as to the sale of game. He himself wished that game to be made property; he thought it the only way to cure the evils of the game laws. But as he considered the present bill salutary, and as the House was so thin, he should move that the debate be adjourned till Monday the 18th.

Colonel *Wood* objected to the bill, which he remarked was very different from that which he had last year introduced to the House. He feared the poacher would only be encouraged by the bill, to commit depredations, from the circumstance of the fruits of his plunder hereby carrying a greater price. He would wish to see every person enjoying his property in this respect, as he thought best. Some enclosures would then be carefully preserved for purposes of sport, whilst others would be preserved for purposes of sale. The game would thus lose its fictitious value, and though a partridge might be rendered of more no worth than a pigeon, or a pheasant than a barn-door fowl, there would not be one sportsman the less, nor would the pleasure of the sport be one whit diminished. No animal was less valuable than the fox, yet no sport was more congenial to Englishmen than fox-hunting.

Mr. *Curwen*, in reply to sir C. Burrell, who complained that he had used unparliamentary language in the epithets applied to the game laws, observed, that the English language did not contain any mode of expression that could sufficiently express the injustice, tyranny, and oppression of the game laws. Could any man view, without feelings of detestation, laws which left the quantum of punishment to the option of the individual? The killing of a partridge in one instance, was punished by a fine of five pounds, the same offence by suing in a court of law was made eighty or a hundred pounds—thus amounting to imprisonment for life. Could such a system be treated with too much abhorrence.

The second reading was then deferred till the 18th.

HOUSE OF LORDS.

Thursday, May 7.

COTTON FACTORIES BILL.] Lord *Kenyon* wished to know, with regard to the Cotton Factories bill, whether noble lords would object to the second reading, upon the understanding that the discussion should be taken in a subsequent stage. If there were no objection to such an arrangement, he would give notice of his intention to move the second reading to-morrow.

The Earl of *Lauderdale* said, he had an objection to the clauses in this bill, which went to limit the number of hours of labour, and which in fixing a maximum of labour, indirectly established a maximum of wages. This was wholly contrary to the hitherto established system, and was, in his opinion, an interference with free labour which might be productive of highly injurious consequences. As, however, his objections did not apply so much to the principle of the bill, as to the clauses, he had no objection to the arrangement proposed by the noble lord.

The Earl of *Liverpool* said, he highly approved of the bill, and considered it so much a principle of the common law of the land that children should not be overworked, that he was desirous some words should be introduced into the bill to declare this fact. He agreed with the noble earl, that free labour ought not to be interfered with, however unwholesome or deleterious might be the nature of the business or manufacture; but to have free labour, there must be free agents; and he contended, that the children to

whom this bill applied were not free agents nor could they, in any sense, be so considered. It was therefore necessary to resort to some legislative enactments, to prevent them from being exposed to that excessive labour, to which there was no doubt, they were at present exposed in cotton factories; nor was there any doubt that such excessive labour was highly injurious to them.

Duke of Cambridge's Annuity Bill.] The Earl of Liverpool having moved the third reading of the bill for granting an annuity to the duke of Cambridge, the earl of Lauderdale moved that the message from the Crown, relative to the marriage of the royal dukes be read. The clerk having read the Message and the Address voted thereon,

The Earl of *Lauderdale* said, he had desired the message and the address to be read, in order to bring to their lordships recollection that a principle had been implied in the proceedings which had taken place on this subject. The declared principle on which their lordships had acted was, that provision was to be made for certain members of the royal family, in consequence of their nuptials. It was not, that provision should be made for one in preference to another, but for all such members of the royal family as married with the consent of the Crown. Their lordships knew it to be the law, that no member of the royal family could marry without the consent of the Crown. If that was an improper law, it ought to be altered; but, while it existed, it should be fairly acted upon. On the contrary, it was a desertion of duty in parliament to make it a matter of favour, whether or not a provision should be voted, after a marriage had been regularly contracted according to the law. The provision was a mere abstract question, which ought to have no reference either to party feelings or prejudices of any kind. If it was withheld on account of any particular prejudice, it might be granted from motives of favour. Thus a system might be established of granting money merely on the grounds of favour or prejudice, and this might be carried so far as to lead to the dangerous and unconstitutional practice of canvassing parliament when such grants were in contemplation. In looking at the bills on the table, their lordships would find that there was one member of the royal family who had married, with the consent of the Crown, and for whom no provision had yet been made. Now, if the question was viewed by their lordships in the light in which he had endeavoured to place it, they would be of opinion, that an abstract right of provision existed in consequence of the marriage. It appeared, however, from what had been done in this case, that some other principle must guide the decisions of another place. Whether it was that provision ought to be granted from favour, or withheld from dislike, or on some other ground equally objectionable, he could not say. To him, however, this proceeding appeared in the utmost degree unfair and improper. With that member of the royal family who stood in the situation to which he had adverted he was in no way connected. No man could have been more politically hostile to him; but so far was that from exciting any feelings of animosity in his mind, that he the more respected the royal duke, for having acted with zeal and sincerity in support of the political principles which he thought right. There was another illustrious person nearly connected with the royal duke, against whom a prejudice had existed in a certain quarter. He was happy, however, to see, from one of the bills on the table, that if that prejudice had prevailed in another place, it was now removed; but why a stigma should be cast without any apparent reason, on the duke of Cumberland, was what he could not understand. If there did exist any real ground for stigmatizing that illustrious person, the proper course would be to introduce a bill to exclude him from the Crown: but while he was allowed to retain his rank in the order of succession, it was most unfair and uncandid to withhold from him that provision which ought to be granted on principles abstracted from any personal considerations. In this situation, it had become a matter of consideration with the consort of the royal duke, whether she could accept the grant made by parliament. Her feelings would have inclined her to refuse it; but he thought she had acted properly in consulting her royal consort, and in complying with his advice. She had exhibited an example of that propriety of conduct which became a princess of the royal family of England, by yielding to the will of parliament. With respect to herself, there was now nothing to injure her feelings, except the observations which had appeared in the public papers,

and these he could not help believing to be misrepresentations of what had passed in another place. He did not suppose it possible that there could be any person so base as to malign an illustrious stranger in the way the representations to which he had alluded indicated. If there were any man possessing such a mind, he might perhaps have the satisfaction of knowing that he had given pain; but he would also see an example of the exercise of the most virtuous feelings in the quarter where he had thrown his unjust reflections. He had thought it his duty to say thus much on the subject of the bill under consideration. Their lordships, he was confident, would give him credit for not wishing to give offence to the feelings of any one. He had the consolation of reflecting that he could never accuse himself of doing any thing to promote discord in quarters where agreement was most important being of opinion, that in all situations from the highest to the lowest, union was the first and most important of domestic virtues. He did not object to the motion for the third reading of the bill, but had considered himself bound to explain to their lordships the view he entertained of the measure.

Lord *Holland* said, he did not object to this grant on account of its amount, but on account of the manner in which it was given. He should not, however, have troubled their lordships with any observations on the motion, had he not thought it necessary to notice some part of what had fallen from his noble friend near him. He wished to remind his noble friend, that according to the old constitutional system, much anterior to that to which he had alluded, provision was always made for the members of the royal family out of the revenues of the Crown, and these revenues were subject to the control of parliament. The ancient principle was, that such a sum should be granted to the Crown as appeared sufficient to support its splendor and dignity; and the branches of the royal family, as part of that splendor and dignity, were supplied from the same sum. When he considered the sums of money which had, at different periods during the present reign, been voted by parliament to the Crown, he could not help considering them fully adequate to the purpose for which they were destined; and he was of opinion, that the splendor of the Crown would be much better consulted, if the provisions necessary on the marriage of members of the royal family were advanced out of these sums, than by applying to parliament for additional grants with the chance of having to experience a refusal. Such a result was in itself a considerable evil, besides the disagreeable situation in which such applications placed public men. The course taken, was, however, as he had said, totally unnecessary, for not less than a million a year, independently of the droits of the Admiralty, and other sources which he should not now name, went to the support of the dignity and splendor of the Crown. But he could not help adverting to the manner in which this business had come before their lordships. After the noble earl had brought down the message from the Crown, he had chosen to depart from the usual practice, and adjourned the motion for an address, because he had not made up his mind as to what he ought to propose. When, however, the consideration of the subject did come on, he detailed the sums which, he said, ought to be granted, and declared that nothing less could do. The measure, however, now came before their lordships in a very different shape. The noble earl might have had very sufficient reasons for changing his opinion, and finding that a less sum would be sufficient; but he had never yet stated those reasons. He recollected that, when there was a proposition for reducing a lord of the Admiralty, though the question turned only on 1,000*l.* the ministers of the Prince Regent declared that they could not carry on the government of the country if they were obliged to make that reduction; but now, though they had thought it right to recommend very large sums to members of the royal family, they could endure the rejection of their proposition with the greatest tranquillity. They had pocketed the affront, and kept their places. At the same time, whether any explanation should be given on this subject or not, he agreed with his noble friend, that it was quite improper to canvass the characters of those for whom such grants were proposed; but then his objection went to the whole of the system which had been acted upon. He could not admit that parliament were bound to grant a provision on the marriage of a member of the royal family, as a matter of course; for though the royal marriage act placed in the Crown the sole right of consent, it must be recollected that the constitution had placed in the House of

Commons the sole right of granting money. It would be a strange proposition to say that, because the Crown had given its consent, parliament were bound to grant any demand of the Crown which followed upon that consent; and it was very unfair to infer from a refusal, that a bad opinion must necessarily be entertained of the individual for whom the application had been made. It was not fair to the other House of parliament, to insinuate that its decisions were influenced by motives of that kind. He had risen, however, not to oppose the sum proposed to be given, but the imposing of any additional burthen on the public. It was not the amount, but the fund from which it was taken, that he considered objectionable. It was most unjust to charge the consolidated fund with this provision. If their lordships considered what had already been granted to the Crown during the present reign, they would find that it enjoyed at least double, what, at the commencement of this reign, it had a right to expect [The earl of Liverpool seemed to intimate his dissent.] He had come down unprepared with calculations, and should not then attempt to enter into minute details; but he would prove what he then asserted, whenever the noble earl might please to enter at large into the question. He would demonstrate that the Crown now received, for the support of its dignity and splendor only, totally independent of what went to any civil or military services, at least double of the revenue it had been in the contemplation of parliament to grant.

The Earl of *Liverpool* admitted that the granting or not granting of a provision, on the marriage of a member of the royal family, was a matter within the jurisdiction of parliament. The noble earl who spoke first had not denied that proposition, but he had fairly contended, that when what was granted to one was withheld from another, a reflexion was conveyed. He certainly did not mean to say that the House of Commons had not the right of acting as they had done; but, at the same time, he perfectly concurred with the noble earl in the general principles he had laid down. Such distinctions made by parliament must lead to decisions more or less capricious and consequently unjust. He therefore concurred in the opinion, that if there was any real objection to the conduct of the illustrious individual alluded to, it ought to be carried farther, and made the subject of a particular measure: unless this were done, all attempts at capricious distinctions were highly censurable. The noble lord had adverted to the proceedings which took place on the message. It would be recollected that he stated when he moved the address, what appeared in his opinion a proper provision. Part of his recommendation had been assented to, and part refused. This was an occurrence consistent with the nature of the constitution. So long as this government was a government of King, Lords, and Commons, there must exist a liability to such decisions. He must say, however, that he did not regret the decision so much on the account of any individuals affected by it, as on public grounds, because he did not think the question had been determined on the principles which ought to have decided it. But the noble lord did not object so much to the sum as to the fund whence it was to be derived. The grant was voted on this occasion, as usual, out of the consolidated fund. The marriage act, it was true, contained nothing relative to provisions for the branches of the royal family; but, in other reigns grants for that purpose had been made by parliament. If these provisions were now thrown on the consolidated fund, it was because the revenue of the Crown, since the accession of his present majesty, had been placed on a different footing. He did not dispute with the noble lord, that the hereditary revenues of the Crown were subject to be voted by parliament; but it ought to be recollected, that it was then the practice of parliament to grant a minimum of revenue. The revenues granted to king William, queen Anne, and other sovereigns, were capable of great increase. And if his present majesty had enjoyed the same sort of improvable revenue which was granted to his ancestors, instead of receiving one million as the noble lord had said, the Crown would now be in the receipt of two millions of revenue. The arrangement which had been made at the commencement of the present reign, instead of leaving to the Crown an improvable revenue, fixed the civil list at a determined sum; thus establishing, not a minimum, but a maximum of revenue. But how could it be expected that the sum then voted could be sufficient, since it was given at a time when his majesty had no family? The numerous offspring which his majesty had had, as well as

other circumstances, required an alteration. He was ready to enter into a detailed view of the subject, whenever the noble baron might think proper to bring it forward; and he was convinced that, on a fair investigation, it would be found that the arrangement made at the commencement of the present reign had placed his majesty in a less favourable situation with respect to revenue than any sovereign since the revolution.

The Bill was then read a third time, and passed.

HOUSE OF COMMONS.

Thursday, May 7.

FORGERY OF BANK NOTES—PETITION FROM LIVERPOOL.] Mr. *Canning* presented a Petition from the merchants and other inhabitants of Liverpool, complaining of the great distress which a number of persons in that town and its neighbourhood suffered from the number of forged notes in circulation, and praying the House to take such steps as might render forgery more difficult. The right hon. gentleman observed, that not only Liverpool, but the whole county of Lancaster, was interested in having some effectual check put to the practice of forgery, as it was well known that the circulation of money there consisted, for the most part, of Bank of England one and two pound notes.

The petition was brought up; and, on the motion that it do lie on the table,

General *Gascoyne* stated, that the inconvenience resulting to the poorer classes in general, in Liverpool and the whole county of Lancaster, from the great number of forged notes in circulation was so great, that a meeting was held some time back for the purpose of erecting provincial banks, where the Bank of England notes might be received, and the detection of forged notes be rendered less difficult. At that meeting a hope was expressed that the Bank themselves would take some steps to render the forgery of their notes more difficult, but in this he was sorry to find his constituents disappointed. No such steps had been taken, and the consequence was, that the evil continued rather to increase than diminish. Indeed, so great was the prevalence of forgeries, that though the Bank had called in some of their notes of a certain date, and offered to pay them in gold, many poor persons who held small sums in them, were afraid to have them presented lest it should turn out that they were forgeries, and the whole be detained. He thought this was a case in which the House was called upon to interfere, if the Bank did not of their own accord devise some means to check the evil.

Mr. *J. Smith* observed, that not having been in the House when this question was before it on a former evening, he wished to correct a mistake which had been made, with respect to prosecutions by the Bank solicitor. It should be known, that all the prosecutions which were carried on by the Bank were under the direction of a select committee of the Directors, and that the solicitor had only to obey the instructions which were given to him.

Mr. *Manning* said, the Bank would be glad to find that provincial banks were established as the hon. gentleman had mentioned, for they had no desire that their small notes should circulate in counties so remote from London. As to the number of notes in circulation in Lancashire, he could not see how it was to be prevented by the Bank, since they had on several occasions given notice in the gazettes through the Speaker of the House of Commons, that they were ready to pay their one and two pound notes of certain dates in gold. The Bank felt disposed to do every thing in their power to prevent the increase of forgeries.

Mr. *Canning* did not impute any disinclination to the Bank to guard the public as far as they could, from the evil now so generally felt and confessed. But he did think that something should be done for that remote and extensive county, which limited its currency to the Bank of England notes exclusively. In answer to the alleged neglect of the holders of the notes of 1815 and 1816, not forwarding them, he believed that the hazard of these notes being rejected as forgeries, was balanced against the desire of receiving gold or fresh paper.

The Petition was ordered to lie on the table, and to be printed.

TRANSUBSTANTIATION.] General *Thornton* rose, pursuant to the notice he had given, to move for leave to bring in a bill to repeal those parts of the acts of the 25th and 30th of Charles 2nd requiring a declaration against Transubstantiation, and asserting the worship of the church of Rome to be idolatrous.

He began by apologising to the House for the frequent delays which had occurred in bringing forward this motion. He had put it off in consequence of the absence of so many Irish members, and he was also afraid, that if the question of Catholic emancipation should be brought forward in the present session, his motion might be supposed to interfere with it, which was a circumstance he by no means desired. He was sorry to find that his motion was mistaken by some persons as a question concerning Catholic emancipation. It had indeed by some been understood as the Catholic question. It was no such thing, for he should never think of taking upon himself, even if he had the abilities so to do, that important measure, from the so much more able hands in which it was already placed. His motion was rather a Protestant than a Catholic question, for it was a greater stain upon Protestants to be revilers in this respect, than it was upon Catholics to be reviled. It was a sort of argument in favour of his motion, that though its object was so long known, there had been no petitions presented against it, from which it was natural to infer, that Protestants were in favour of it. The first part of the declaration which he wished to see abolished, was that which related to Transubstantiation, though it was not so objectionable as the other, which condemned the religious worship of the church of Rome as idolatrous. He saw no right that any legislature had to make any man swear to the belief or disbelief of any doctrine, except it was one by the belief in which the safety of the state might be affected. The hon. general then read that part of the declaration which referred to this tenet of the Roman Catholic faith, and also the part which condemns the sacrifice of the mass as idolatrous. The law ordaining these declarations was, he observed, passed when there were many rumours and alarms of the plots of the Catholics, though he believed most of them were unfounded. The established church was, however, then considered to be in danger, and the more so as Charles 2nd was a Catholic in his heart, and as his brother, the then duke of York, openly professed the Roman Catholic religion. But even then an opposition was made to the bill in the House of Peers, by the bishop of Ely, who declared the Roman Catholic religion not to be idolatrous, and he was answered by bishop Barlow. The bill passed for the reasons already assigned, but it could not be imagined that the same reasons existed at present. The established church was not in danger, and he conceived that the declaration ought to be got rid of as altogether unnecessary. The real test was, the oath of supremacy, and he conceived that to be sufficient for every purpose connected with security of the church or state. If a person took the oath of supremacy, he thought it quite enough, for their belief in Transubstantiation did not by any means imply a belief in the supremacy of the pope. He would mention, for instance, the Christians of the Greek church, all of whom believed in Transubstantiation, but none of them in the supremacy of the pope. It was too much to exclude any man from a seat in that House who did not believe the latter, merely because he conscientiously adhered to the former doctrine.—The hon. general then contended, that the doing away of this illiberal and unnecessary declaration, would contribute very much to the cordial union, of Catholics and Protestants, which had already begun so much to manifest itself in Ireland. A great deal of what already existed, he attributed to the judicious discouragement of Orange processions and other party distinctions in Ireland. The Catholics of Ireland would, he was certain, feel extremely grateful for the abolition of the unnecessary and useless attack upon their religious worship, which was contained in the declaration. He had already known the effect of it upon them; for at a meeting of the Catholics of the county of Clare, and at the aggregate meeting of the Catholics of Ireland, held in Clarendon-street Chapel in Dublin, in the last year, thanks were voted to him for even the notice which he had taken of them. He was certain that the safety of the two kingdoms would never be more permanently secured than when the Catholics and Protestants should be cordially united by conciliatory measures. He felt anxious for the success of this motion, and he hoped that if it should not meet the sanction of the House at present, some more able member would bring it forward in the next parliament, in which he did not expect the honour of a seat.—The hon. general concluded by moving, "That leave be given to bring in a bill to repeal such parts of the acts of the 25th and 30th Charles 2nd as require, in certain cases, declarations to be made against the Belief of Transubstantiation,

and asserting the worship of the Church of Rome to be idolatrous."

Mr. W. Smith, after a short pause, rose to second the motion.

Lord *Castlereagh* begged to be understood as imputing to the hon. and gallant general the best intentions in submitting the proposition then before the House. He believed, however, that it was imperfect in point of order, as the motion should have been for a committee to consider of the laws whose repeal was proposed. But his objection to it was not on the ground of form: it arose from the conviction that no practical conclusion could be inferred from its adoption. The laws moved to be repealed were associated with other enactments, which many persons in the country deemed of the highest importance. So strongly was this felt by the advocates of the Catholics, that in 1812, when a bill for their relief was introduced, the measure of indulgence was wisely separated from any general repeal of the test laws, and even a special law of that nature was proposed for the Catholics. To urge, therefore, any such repeal, solely on abstract grounds, was to commit the House on a most embarrassing question, without the chance of any practical object being the result. It would be impossible to keep such a discussion distinct from the consideration of the Catholic question: and the hon. and gallant general must feel, that if entered into, it would have the effect of forcing the consideration, in opposition to the intentions of those most interested. Without any feeling of disrespect to the hon. and gallant mover, he felt it his duty to move the previous question.

Mr. *W. Smith* agreed in most of the observations made by the noble lord upon the question, but he did not wish, as it had been brought forward, that it should pass without observation. He was satisfied that if it were carried it would not lead directly to any practical good, as affecting the present restraints upon the Roman Catholics; at the same time he concurred most heartily in the principle on which it went. There was an old saying, that "words will not alter the nature of things;" but it could not be denied that words often went to give a very different colouring to things, and often to mislead public opinion with respect to them. It was the case with the declarations to which the hon. mover alluded; they did not, he was certain, keep any one man out of parliament, but at the same time their existence tended to keep alive a feeling towards the Roman Catholics, which they by no means deserved. With the belief in the doctrine of Transubstantiation, however absurd, he thought the House had no right to interfere; and there were many men who would refuse to make the declaration who, nevertheless, were as well qualified to take a seat in the House as any member who had at present the honour of sitting in it. The real test was the oath of supremacy, and therefore he conceived the other to be unnecessary, and would wish to see it expunged from the Statute book: its continuance there could be of no use whatever.

The previous question was then put and carried without a division.

Crown Lands.] Mr. *Huskisson* moved for leave to bring in a bill for the improvement of parts of Hainault forest, in Essex, with a view to encourage the growth of naval timber. He adverted to some plans of improvement in the forests that had been entertained with a similar view. In Epping forest it had been found there were so many villas connected with forest scenery, &c. that any plan must be accompanied with considerable limitations.

Mr. *Brougham* said, he had no objection to extending to the Crown the fullest power, in order to make the property of the Crown lands most available to the public interest. What he had to express his surprise at was, the diversity exemplified in the manner in which these sales were negociated. In looking into the voluminous reports on the subject, he saw items which, to understand, required some explanation; and others which, in his judgment, no explanation could clear up. The diversity with which the honours and forestal privileges were disposed of, required at least some explanation. In some instances, as appeared by the reports, large sums were paid by individuals, while in others they were bestowed without any remuneration. In the purchases a great diversity was also observable: for instance, a sale was effected in favour of a noble lord, a cabinet minister, for ten years purchase, whilst in other instances, the transfers were made at twenty-five or thirty years. Nine thousand pounds and a few hundreds, were all that the noble lord paid for 500*l.* per annum. Had it been an open sale, he had good reasons for believing that a very large sum would have been received for such a purchase.

It was indeed evident from the reports, that where a public competition was allowed, eighty years purchase was given. It was, however, but a solitary instance; as, after a minute search, he could find no public sale, but the one he alluded to, namely, a portion of Crown land purchased by a gentleman of the name (he could mention the name as there was no undue favour) of Corbett in Merionethshire. As to honours, he had an instance in a worthy baronet, a member of that House. That worthy baronet, he would name him, sir Walter Stirling, solicitous of this description of glory and honour—barren as they were—had actually paid 3,000*l.* for such a privilege, while, in a variety of other instances, they were lavished on individuals without any pecuniary consideration. He would instance another case, which it was his intention, on some future day, to bring specifically under the consideration of the House, which was that of the barony of Kendal, which had been obtained by lord Lonsdale at thirty years purchase; his lordship not having paid a farthing, as the hon. baronet had done, for the honours of the acquisition. There was no competition in this case more than in the others which he had mentioned. It was offered to no one but lord Lonsdale, to whom the possession of it was unquestionably more valuable than to any other person. It was true that it had been valued at only thirty years purchase by two surveyors on oath; but any one who had witnessed the proceedings in a court of law, on subjects connected with the value of property, would know how to appreciate such an opinion, for never were there two or even ten surveyors brought forward on the one side in such proceedings, but two or ten were immediately brought forward on the other, to swear to a value different from that sworn to by the former. It was a mockery, therefore, to talk of the opinion of two surveyors, as a test of the value of landed property. The fact was, however, that seven or eight years ago lord Lonsdale did, on such an opinion, obtain the barony of Kendal for 14,000*l.*, although he understood it would at the time have fetched full four times that sum if it had been put up to auction; and he was acquainted with a wealthy individual, who told him it would have been worth his while to give three times that amount for it himself. He understood that since the purchase, the noble lord had gained more than the sum which he originally gave, by enfranchisements. All these circumstances were calculated still more distinctly to prove, that the only safe way of dealing with the property of the Crown was, to set it up by auction.

Mr. *Huskisson* agreed with the hon. and learned gentleman in his general principle, although the way in which the hon. and learned gentleman had stated the cases which he had adduced was by no means candid towards his predecessors in the office which he (Mr. H.) had the honour to fill, and whose proceedings must have undergone the revision of the lords of the treasury. Instead of throwing out insinuations, it would have been more candid, on the part of the hon. and learned gentleman, to have called for papers elucidatory of the subject, which papers would show that there had been a sufficient reason for the course pursued in those cases. He admitted that it was very desirable, when the Crown directed the sale of its landed estates, that it should be open to competition. Such was the general rule; the property was extensively advertised, and every competitor was afforded an opportunity of offering his bidding. But the fact was, that the greater part of what was sold consisted of trifling fee-farm rents, which would not pay the expense of an auction. In all such cases it was the general rule, when it was wished to sell them, to offer them to those who were most interested in the acquisition, at thirty years purchase. Since he had been in the office which he held, he knew but one instance in which the general rule of inviting competition had been departed from; and that was the other day, when one of the Crown estates was sold to a member of parliament (although sitting on the other side of the House), on the assurance that he had, some years ago, obtained a promise that if it were ever sold it should be offered to him; and the price which that hon. gentleman gave was, he believed, full as much as any competition could have procured. With respect to the particular cases adduced by the hon. and learned gentleman, as none of them had occurred since he was in the department, he was not able immediately to explain them; but if the hon. and learned gentleman, instead of throwing out insinuations against cabinet ministers and others, would bring forward any specific transaction, he was persuaded it would not be found to warrant the inference which the hon. and learned gentleman attempted

to draw from it. For the reason that he had just assigned, he was unable immediately to explain the circumstances attendant on the purchase of the barony of Kendal by lord Lonsdale; but he was satisfied that on investigation there would appear sufficient reasons for the course adopted by the treasury. Would the hon. and learned gentleman say, that a person having for many years held certain estates as a lessee, was not a reason for giving him the refusal of the purchase on proper terms? It was very easy, after the sale of any estate, for a person disappointed of the purchase to complain of the mode in which it had been disposed of; but the cases alluded to by the hon. and learned gentleman he had no doubt were free from all just grounds of imputation. The general rule of inviting competition he had always recommended with reference both to the public interest and to his own character, as the only mode in which a fair price could be obtained by the public; and he had endeavoured to obtain from parliament the power thus to dispose of all such unproductive property of the Crown with a view to benefit the public resources.

Sir *James Graham* said, that as he knew something of one of the transactions to which the hon. and learned gentleman had alluded, he thought it his duty to offer to the House a few observations on that transaction. The barony of Kendal had been in the possession of the Lonsdale family as crown lessees for 150 years. It consisted of a variety of small rents, the expense of collecting which was as great as the value. It was proposed by the commissioners of the Crown lands to sell these rents. Lord Lonsdale did not employ the surveyors, but they were employed by the commissioners of the Crown lands, and the price fixed by them was such, that there was not a member of that House who would have given it. They were in fact valued at forty years purchase; an enormous price, which they could never have produced, had they been sold by auction; for the rents amounted to little more than 300*l.* a-year. In reply to the honourable and learned gentleman's assertion, that lord Lonsdale had recovered his original purchase money by enfranchisements, he could say with certainty that the noble lord had not obtained 1,000*l.* by those means. In his opinion, and he could form some judgment on questions of this nature, lord Lonsdale had given one-third more than the value of the property, and twice as much as any other person would have given for it, he himself having at the time a life-interest in it.

Mr. *Brougham* said, that the right hon. gentleman, and the hon. baronet had misunderstood him. He had made no charge against any one. He had only asked, why one person had been allowed to acquire crown property at ten years purchase, while from others twenty-five, thirty, and even eighty years purchase were required? The hon. baronet had also completely mistaken what he had said about the barony of Kendal. His argument was—why did not the Crown do as the purchaser of that barony had done?—He had enfranchised the occupants at a certain rate each, pocketed the money thus obtained, and still reserved the honours attached. Why did not the commissioners pursue a similar course, and thus secure the advantages resulting thereon to the country, instead of throwing them into the lap of any favoured individual?

Sir *James Graham* said, he could not hear such a statement made, without endeavouring to counteract its effect. He could assure the House, that the noble lord had never yet received a thousand pounds, perhaps not above five hundred pounds, for enfranchisements on the property. Could this paltry sum be considered any appropriate or advantageous return for so very large an advance of money on the purchase?—or must it not be obvious to all that these misrepresentations and clamours were perfectly without foundation?

Leave was given to bring in the bill.

ALIENS.] Mr. *Lambton* said, he rose to make his promised motion for copies of the correspondence that had taken place between this government and that of the Netherlands respecting Aliens. When the noble lord opposite moved for the continuance of the Alien act, he had stated the principal grounds to be, the necessity of co-operating with foreign governments, for protecting those governments from the machinations of disaffected persons, and the dangers they might incur from them. The noble lord, he observed, shook his head; but so he had understood him. He was astonished when he recollected that the noble lord had also said, that the Alien bill was brought in purely for the protection of British interests. Now, this assurance, he could by no

means reconcile with the admission of the noble lord to which he had before alluded. He proposed, by the production of these papers, to come at the true state of the intention of his majesty's government in this respect; and he should, if it were considered expedient to conceal the names of persons who might be the subject of these communications, consent to the copies or extracts being made out in blank, as was not unfrequent in such cases. He concluded with moving, "That an humble Address be presented to his royal highness the Prince Regent, that he would be graciously pleased to give directions that there be laid before this House, copies or extracts of all correspondence, since the 20th of November 1815, between any of his majesty's principal secretaries of state, or his majesty's ministers abroad, and the ministers of foreign states, relating to Aliens; also, copies or extracts of all correspondence, since the 20th of November 1815, between his majesty's principal secretary of state for foreign affairs, and his majesty's ambassador in the Netherlands, relating to passports granted or refused to individuals either going to or coming from the Netherlands, not being natives of the United Kingdom, or of the kingdom of the Netherlands, or any of their respective dependencies."

Lord *Castlereagh* denied that he had drawn any argument in favour of the bill from the situation of the Netherlands. He had only endeavoured to show, by way of contrast, the advantage to this country of having an Alien bill. He called on gentlemen to point out an instance in which government had abused the power vested in them, or had acted in subserviency to the wishes of other governments. He objected to the information which the hon. gentleman had called for, as he would contend that government had never used the powers of this bill for any other purpose than for excluding from this country those suspected persons who were likely to disturb the general peace. He objected to making such disclosures without any cause being shown for their necessity, with respect to the character or designs of any individuals.

Sir *F. Burdett* said, it was very well for the noble lord to urge, that no unconstitutional power had been made use of under this act; but the power intrusted to them was so extraordinary, that he apprehended the whole thing must be considered as an abuse altogether; and if a single individual had been sent out of the country, he would defy the noble lord to show that the interests of the country required it. What was the nature of the measure respecting which information was now denied? Was it too much to demand an account of individuals towards whom this power had been exerted? He recollected the case of some merchants who were coming to this country to try to obtain their debts; from information given, they were said to be coming upon some plan of assassination; but it proved to be only a malicious trick of the creditors here. He recollected the case of a professor of music, who, being informed against, was about to be sent out of the country under the Alien act, but being acquainted with some clerk in office, he escaped. It was impossible not to see on what slight grounds the powers given to government by this bill might be exercised. In his opinion, it was a measure most disgraceful to those who had proposed it; most unconstitutional; hostile to the spirit of liberty, and contrary to the policy of all former times. The noble lord had given no reason why he should not furnish the information, and therefore he felt it his duty to support the motion of his hon. friend.

Mr. *Abercromby* thought the reasoning of the noble lord was in favour of the production of the names, as he had stated that the objects of the bill were truly British, and that no person had been sent out of the country in subservience to any foreign power. It was necessary for the House to know the spirit which actuated ministers upon this subject, and to have a correct statement of what had taken place between the British government and that of the Netherlands. From the production of that correspondence it would appear whether ministers had interfered or not with the Aliens of foreign governments. The noble lord admitted that if we interfered in the case of the Aliens of foreign governments, we could not deny a similar right of interference on their part. He was inclined to think that the measure was intended to operate for other purposes than those that had been alleged.

Mr. *Bennet* thought it a very bad symptom when a government having the means offered to it of exculpating itself from a charge preferred against it, refused to avail itself of them.

Mr. *Lambton* said, he could not receive the noble lord's explanation as satisfactory.

He would now ask him whether he had not joined with the rest of the allied powers at the time of the treaty of Paris, in demanding that certain Frenchmen should be given up who had taken refuge in Switzerland, the Netherlands, and on the banks of the Rhine? If so, this would show that he did interfere with other powers in a manner that must be conceived to be highly unjustifiable. He should, however, take the sense of the House upon his motion.

The House then divided:

Ayes.....30
Noes.....68
Majority.....—38

List of the Minority.

Abercromby, hon. J.	Ossulston, lord
Atherley, Arthur	Parnell, sir H.
Brougham, Henry	Parnell, W.
Burdett, sir F.	Ponsonby, hon. F.
Calcraft, John	Rancliffe, lord
Coke, T. W.	Ridley, sir M. W.
Douglas, hon. F. S.	Romilly, sir S.
Dundas, Charles	Russell, lord G. W.
Fergusson, sir R. C.	Smith, W.
Heron, sir Robt.	Teed, John
Latouche, John	Walpole, hon. G.
Lefevre, C. S.	Warre, J. A.
Lloyd, J. M.	Wilkins, Walter
Madocks, W. A.	Wood, Mathew
Moore, Peter	TELLERS.
Newport, sir. J.	Lambton, J. G.
North, Dudley	Bennet, hon. H. G.

OFFICE OF CONSTABLE IN IRELAND.] Sir *Henry Parnell*, in moving for the appointment of a select committee, to inquire into the state of the laws relating to the Office of Constable in Ireland, and to report their observations thereon, wished to state shortly to the House the grounds on which he was induced to submit that motion to the House, and the consequences which he expected to result from it. From his own experience, and from various communications which he had had with magistrates in different parts of Ireland, he was of opinion that the laws for regulating the office of constable required alteration. With respect to the magistracy of Ireland, though there might be some few exceptions, he believed that it was generally good; and any person, acquainted with the magistrates would say that, generally, they were well calculated to execute the law. But the constables, whose appointment and payment did not rest with the magistrates, but with the grand jury, were in many cases ill qualified for the situation they filled. By the existing law there must be ten constables for each barony, whether large or small, whose salary was about 20*l.* a year each. He would recommend that the appointment of constables should be given to magistrates at the sessions; that there should not, as now, be ten to every barony, as some baronies were three, four, or even five times larger than others; and that each constable should he paid in proportion to the services rendered by him.—In legislating for Ireland great mistakes were often made, from copying the practice of this country, without considering the difference of the state of society in Ireland. In this country, the execution of the laws might be left to the ordinary police constables, because every individual feeling the benefit of the laws, was anxious to assist in executing them. But the benefits of the English constitution were not felt in the same manner in Ireland; as the people of that country had not the same extension of the constitution, they did not take the same interest in the execution of the laws. In point of fact, the law might be said to be administered by military force. He thought, however, that some auxiliary police might be better than an army for preserving the tranquillity of the country. Of the Irish government, it was but justice to say, that it had endeavoured to limit and restrain as much as possible the use of military force in Ireland. If such a committee, as he proposed, were appointed, he thought some means might be fallen on for discovering such an efficient auxiliary police as he had alluded to. Whether some thing like the peace preservation appointment, but less in number, should be extended to each county, or whether the principle of the Dublin police should be extended more generally, might be a consideration for that committee. At present warrants were executed by the military, and in all the assize towns the courts were surrounded by military. He conceived that many of the outrages which had taken place in Ireland, might have been prevented in the beginning by an effective police. With such a police, a large army might be in a considerable degree dispensed with, by which means a considerable reduction of expenditure might be effected. Nothing kept Ireland so much in its present backward state from the want of capital, as the apprehension entertained in this country, that from the defective execution of the laws, money

lent could not be recovered. He believed if a good police existed in Ireland the people would be as peaceable as any in the world—no people were more amenable to authority when it was properly exercised. The number of absentees, from which Ireland suffered at present so much, could not be expected to decrease till a more efficient system was introduced. He trusted that the right hon. secretary for Ireland, would say that he would undertake himself some measure to meet the defects to which he had called the attention of the House; but it was his duty, in the mean time, in compliance with the wishes of many respectable persons in Ireland, to move, "That a Select Committee be appointed to inquire into the laws relating to the Office of Constable in Ireland, and to report their Observations thereupon to the House."

Mr. *Peel* said, it was impossible, at this period of the session, that any good could arise from an inquiry such as had been proposed by the hon. baronet. Supposing the result of such committee was the confirmation of the present system, no advantage would be derived from it; but supposing the result was otherwise, and that the present system was condemned, it was now too late to introduce any other in the room of it. Now, would it be prudent to pass a condemnation on the existing law without providing any substitute for it? The subject to which the hon. baronet had called their attention was one upon which he (Mr. Peel) had been long occupied; and he could safely say, there was nothing which he had more at heart than the perfecting the police system of Ireland. He had stated, in the beginning of the session, that the efficiency of the present system had in many cases not been sufficiently tried. The grand juries had power, by the bill which he had brought in, to appoint in each barony a certain number of constables, and they had the power of allotting a salary not exceeding 20*l.* a year to each constable. He had said, that the local authorities might have in many cases appointed a more efficient description of constables. The county of Longford was one of the most disturbed counties of Ireland. It had been restored to tranquillity principally in consequence of the increasing exertions of a most invaluable magistrate, a member of that House, lord Forbes. Previous to the act brought in by him, there was no retiring allowance to constables. Means were taken to remove those constables whose age and conduct rendered it expedient to remove them, and a more efficient description was appointed. The system which the hon. baronet had too generally condemned, was here fairly carried into execution. No magistrates in that county had found it necessary to have recourse to a military force. They divided the constables into two classes, one of which received a salary of 12*l.* and the other of 20*l.* a year. His main objection to any general system of police, such as had been recommended by the hon. baronet, was, that in many counties there was no occasion for that police, and it was hard to subject them to an expense for which there was no necessity. Grand juries were alone responsible for the appointment of constables. But government were responsible for the execution of two other acts. The first of these was the Insurrection act. He was happy to be able to say, that in no instance since it had been last continued, had the government found it necessary to carry it into execution, notwithstanding the reduction which had taken place in the military establishment. The act expired with the present session, and he should not propose its continuance. Another act, of a much more constitutional nature than the insurrection act, and for which the government was alone responsible, was the Peace Preservation bill; and he would ask those who were acquainted with that part of the country, whether he had taken too much credit to the Irish government, when he said that that act had completely succeeded? The hon. baronet had proposed the general extension of that bill; but to this there was an objection, that the executive were vested with ample powers at present to put it in execution. The executive had obtained a power last session of defraying the whole expense of carrying the act into execution in any district, except one-third, from the public funds. In only one instance, that of a district in the North of Ireland, had government borne two-thirds of the expense, in some cases it had borne one, leaving two-thirds to the district. But his objection to the extension of the Peace Preservation bill were two-fold.; first it was totally unnecessary in many districts; and, secondly, it would be unfair to charge many districts, which had always been in a tranquil state, with so heavy an expense as it would occasion. But he had a

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stronger objection to its extension. At present when a district ceased to be disturbed, the establishment was withdrawn, and transferred to another place, and thus it was impossible to form local connexions. But he was quite sure if it was to become a permanent system, it would be impossible to prevent it from degenerating into abuse. In no instance had government attended to any local recommendations. No person could be more alive than he was to the advantages of an efficient police; but the constitution of such a police required much consideration. He did not wish to panegyrise the present system as a perfect one; but it would be impossible to transfer the power now vested with the grand juries to magistrates, without a previous inquiry, and there would be greater facilities for conducting such an inquiry early next session. He had called for a return from the different counties of Ireland, which in some instances he had obtained, of the number of constables appointed in every barony, and what was paid to them, and he had no objection to move for such returns on that subject as he had himself expedited. With respect to the pledge he had given last year respecting sheriffs, it had been completely redeemed. He hoped he might be excused here for travelling a little out of the question immediately before the House, and alluding to a circumstance that had occurred at the close of the last session. He had then given a pledge for an alteration in the mode of appointing sheriffs. This pledge he assured the House he had amply redeemed. The judges were directed by the lord lieutenant to examine the grand panel on their several circuits, and select three names in each county of persons whom they had reason to think were fit to fill the office of sheriff. These returns were to be made to the lord chancellor, who was to examine the lists before a full attendance of the judges, and then make a return to the lord lieutenant for his selection. This had been impartially and effectively done: and he had the opinion of the present lord chancellor of Ireland, who had formerly been a baron of the exchequer here, that the manner of selection pursued was as perfect and as unexceptionable as he had ever seen it in England. The result of this departure from the painful task of selecting sheriffs, previously imposed upon the executive government, was, that in no year had Ireland been possessed of so impartial and respectable a list of sheriffs. The government were determined to give effect to so excellent a system as this. They would rigorously pursue it; and the advantages would be eminently felt by the country.—He concluded by hoping the hon. baronet would not, at this late period of the session, press a motion which could lead to no immediate practical result.

Sir *F. Flood* agreed in the general views taken by the worthy baronet on the affairs of Ireland, though he was obliged to differ with him in this particular instance, and to express his concurrence in every thing which had fallen from the right hon. gentleman opposite, whose administration of the internal affairs of Ireland entitled him to the gratitude of every friend to the country. There were no new outrages to call for any new law; and the act of the 33rd of the king, which gave armed constables to the counties, was quite sufficient with the subsequent acts, for every fair purpose. It was impossible not to admire the tranquillity which reigned in Ireland, notwithstanding the overwhelming distress and poverty under which the poor people of that country laboured.

Mr. *Parnell* thought a revision of the police system for the internal affairs of Ireland highly desirable. The people should be shown, by a proper local appointment of constables, known to them and acquainted with their circumstances, that they were wrong in the notion they had formed, that the laws were made and carried into execution by their enemies. He had strong objections to a law, liable to be called into sudden operation, and the severity of which constituted the chief reliance for its efficacy. For instance, he thought the punishment quite disproportioned to the offence, which would send to Botany Bay the unfortunate peasant, who might be found out of his house after nine at night, or with the lock of a gun concealed in his cabin. Something might, he thought, be done, by the establishment of penitentiaries, to correct occasional bad propensities among the lower orders.

Sir *H. Parnell* said, it was not his intention to propose a more general extension of the preservation of the peace bill. It seemed to him, that the object of his measure was mistaken by the right hon. gentleman. It was not to be concluded that every thing was right because no great disturbance existed. Recourse was had too frequently in Ireland to the assist-

ance of the military for civil purposes. A body of not less than twenty-four soldiers was sometimes employed to take possession of a cabin, or a few acres of land. It was this which he was desirous to obviate. He was glad the right hon. gentleman expressed an intention of taking the matter into his own hands, and would consent to withdraw his motion.

The motion was then withdrawn.

Parish Vestries Bill.] On the order of the day for the third reading of the Bill for the Regulation of Parish Vestries,

Mr. *Calcraft* said, he did not mean at that late stage to oppose the further progress of the measure, but he still entertained great objections to it, because it affected the rights of the subject, where his purse was concerned. He would protest against this curtailment of the rights of what were called the lower orders of society. The motive for introducing this law was said to be the tumultuous proceedings which sometimes occurred at vestries, in consequence of their numbers, and the consequent difficulty of transacting properly the business of the parish. All public meetings were in some degree tumultuous. The same objection might be brought against elections, or even against that House. He saw no evidence to prove the necessity of the bill. For his part he had never experienced the impediments which the measure was designed to obviate.

Mr. *Shaw Lefevre* had also great doubts as to the propriety of the measure, and should be very glad to hear any grounds pointed out for this innovation. The only case brought forward to justify it, was but the case of an individual. The present mode of management had been found most beneficial. He trusted, therefore, the House would pause before they set it aside by the bill now before them. He had presented a petition against the bill from the town of Reading, which he had the honour to represent, in the parishes of which town, the poor-rates had always been exceedingly well managed by the ordinary vestries. They were naturally jealous of any interference in a system from which they felt no inconvenience.

Mr. *Sturges Bourne* said, that the object in view was, to follow the analogy of kirk-sessions in Scotland, so far as the very different system of poor laws in England would admit. In Scotland, the wealthier classes had the greater influence in managing the provision for the poor. By this bill it was proposed to bring back the wealthier classes to attend parish-vestries. Their absence was occasioned by the numbers and the clamour of others who attended, of whom some were connected with paupers, and some were employed in trades which made it their interest to be liberal to certain paupers. In 1807, the late Mr. Whitbread had introduced a measure, the same in principle, and similar in its modifications to the present. Surely the lapse of time, the increase of population, and the increase of paupers, had not, since 1807, made such a measure less necessary. He begged leave to read to the House the sentiments of Mr. Whitbread on this subject. He had remarked that the tumultuous assemblies and the clamour of vestries had disgusted the wealthier and the more respectable classes from attending; and, to remedy this, he had proposed to give two votes to those who paid a certain sum of poor-rates; to others three; and to others four, which was the highest number of votes to be allowed. Mr. Whitbread had been singularly conversant with this subject. His great attention ensured accurate discrimination; and, what must have some weight with gentlemen on the other side, he could be suspected of no hostility to the poorer part of the constitution of vestries. He would appeal to any member, whether it was reasonable that one who paid a third, and even a half of the poor-rates, should have no more influence in vestries than one who paid the very lowest sum. The same principle which was proposed in this bill had been adopted in other assemblies. It was so with the proprietors of East India stock. Mr. Gilbert's bill had gone infinitely farther. It had disfranchised all who had not been rated to the amount of *5l.* But he now thought it better, that the right of all who pay rates to vote should be retained; but that those who paid a certain proportion should have a greater number of votes.

Mr. *Curwen* could see no reason for adopting a new principle on the present occasion. He never yet knew an instance in which at parish meetings the lower classes were not ready to be guided by the example of those above them, to adopt any reasonable proposition. The evil now complained of grew out of the absence of those who ought to take the lead on such occasions. He thought the

bill calculated to do much good, but this particular provision would make against it, and would excite jealousies which it would be desirable to avoid.

Mr. *F. Douglas* professed himself friendly to the bill, because it was calculated to encourage the attendance of persons of character at vestries. No law could force men of intelligence to attend, but it ought to remove every obstacle that repelled or disgusted men of intelligence. Yet, though he was friendly to the bill, he thought the principle of it might have been better adapted to the evil. The bill proposed, that every one who paid 50*l.* should have two votes; 75*l.* three votes; 100*l.* four votes; 125*l.* five votes; and 150*l.* six votes, which was the utmost number allowed. Now he had to object to this arrangement, that, according to it, parishes might be divided into separate classes, and seven or eight persons, who represented neither the population nor the property of the parish, might have the whole control. He should therefore prefer, that every one who paid to the amount of 25*l.* should get an additional vote; 60*l.* a third vote; 100*l.* a fourth vote; and so on. By adopting a scale of this kind, the objection which he had mentioned could be avoided.

Mr. *Barham* said, he had seen those who hardly paid any thing to the poor-rates, interrupt the proceedings of a vestry, and force all the respectable persons to retire. To such an evil it was desirable that a remedy should be applied.

The bill was then read a third time. Mr. S. Bourne moved a clause to except the city of London from the operation of the bill, which was agreed to. Mr. Barclay moved a similar clause for Southwark, which was also adopted. Mr. Shaw Lefevre rose to move a clause, that the town of Reading should be excepted. Mr. D. Gilbert asked if Reading was, like London and Southwark, governed by local laws. Mr. S. Lefevre answered in the negative. The bill was then passed.

Poor Laws Amendment Bill.] The bill having been read a third time,

Mr. *F. Douglas*, after some observations, in which he urged the impolicy and cruelty of that clause by which the parish officers are empowered to take away children from their parents when unable to support them, and to place them in schools established for the purpose, moved that the clause should be omitted.

Mr. Alderman *Wood* said, he had intended to move a clause as an amendment, providing, that the children of dissenters should not be compelled to attend the places of worship of the established church. He agreed with the hon. gentleman who spoke last in his objection to the clause he had mentioned.

Mr. *Sturges Bourne* said, that the clause was, in point of fact, a return to the statute of Elizabeth, and he could not believe that it would afford any additional encouragement to the improvident marriages of the poor. The effects of the prevailing practice of administering relief were most detrimental, both to the poor and to the children; for the money intended for the benefit of the latter was too frequently spent in dissipation, whilst they were left starving at home. The hon. gentleman had talked of the felicity of a cottage life; but where there was an actual incapacity of maintaining the family inhabiting the cottage, he feared that felicity was not the general character that belonged to it. In the present state of the poor, and the laws affecting them, in this country, he could not imagine any thing more humane or desirable than the regulation provided by this cause.

Mr. *Curwen* felt assured that the intentions of those who framed the present measure were most humane; but he must object to every regulation which did not go to the principle of making the labourer's wages equal to his maintenance. Every measure that stopped short of that object would only serve to confirm the existing evil, and to continue the system of paying those wages to a certain degree out of the poor-rates. It was to be lamented also, that children should be separated from, and grow up without any affection for, their parents; for he knew not how the place of that affection could be supplied. No good could be effected whilst the poor were taught to believe that there was no disgrace in dependence on a public fund. He disapproved, therefore, of legislating on the presumption that parents would be unable to support their children.

Colonel *Wood* supported the clause, and contended that in all the southern parts of England the wages of labour had decreased in a greater proportion than the poor-rates had advanced. In a pecuniary view, it was indifferent to the labourer whether he received the whole amount of his wages from his employer, or the moiety of them from the parish; but the effect of

the latter practice was, to debase and demoralize him. The great recommendation of the clause was, he thought, that it would tend to raise wages, at the same time that the children, by being placed in schools, would learn various kinds of industry or handicraft, instead of being, as the children of a particular district generally were, confined to the knowledge and exercise of one.

Mr. *Lamb* opposed the clause, as contradictory to the principle of the report, and on the ground that the House, before it passed, ought to have distinctly in view those ulterior measures which were to be founded on it. His fear was, that the bill would be found in practice to carry a bad principle still farther, by thus legislatively recognizing its existence, and that the poor would marry as improvidently, when their children were to be provided for in the proposed manner, as they were inclined to do at present. The separation, indeed, might only add to their carelessness by extinguishing their natural affections. He thought, however, the committee had done much, and deserved well of the House and the country, though he could not help suggesting the propriety of withdrawing this particular measure for the present. He entertained a sanguine hope that great advantages would be derived from their continued labours, and believed that the work of improvement would be most effectually commenced by a diligent inquiry into the present system of administering the poor-laws.

Mr. *Courtenay* supported the clause, as a judicious compromise between many conflicting evils.

Mr. *Calcraft* objected to the clause. It would not, he said, prevent the wages of labour from being made up out of the poor-rates; for it told a man, that if he made an improvident marriage, his children should be supported out of the poor-rates; with a threat, that if he behaved ill they should be taken from him. By the effect of the poor-laws the earnings of the poor had been gradually lessened, though the nominal amount of wages had been increased. It was, nevertheless, too much to say, that the character of the poor had been degraded by the poor-laws. It had been degraded by the effects of taxation and low wages; and these low wages had been occasioned by allowing money out of the poor-rates. To take away the children and support them was the same thing as to allow the present wages out of the rates. The spirit of the clause was in contradiction to the report of the committee, and tainted the whole measure: it would have no effect but to encourage improvident marriages, and the increased competition for employment must again lower the wages of labour. He thought the bill might be generally beneficial, but that the clause in question, was highly mischievous.

Mr. *Broadhurst* opposed the clause. He said, it would have the effect of breaking down the character of the few among the poor, who laboured successfully to remain independent.

Mr. *W. Smith* supported the clause. It had, he said, only the common failing of all human institutions—a balance of good and evil. He thought the good prevailed: we could not recede from the system of poor-laws all at once; all that we could do, was, to mitigate their ill effects. The clause in question did not take the children from their parents under circumstances half so harsh as the old law; they were now retained in the parish, but before, might be sent away to any distance. The children were now to be educated; before, they might have been taken away, and their education neglected.

The House then divided: For the clause, 46; Against it, 14: Majority, 32. The bill was then passed.

HOUSE OF LORDS.

Friday, May 8.

COTTON FACTORIES BILL.] The Earl of *Lauderdale* presented a Petition from certain cotton spinners and others of Manchester, praying to be heard by counsel against the clauses of the Cotton Factories bill, applying to the minimum of the ages of children allowed to work in the factories, and to the maximum of the hours of labour, and that they might be allowed to adduce evidence to prove the statements which they had to make. The petition, his lordship observed, was against the second reading, but as there had been an understanding that the bill should be read a second time this day, he had no objection that the bill should now go through that stage, and that the hearing of the petitioners should be postponed till the commitment of the bill. The petition was received, and ordered to lie upon the table till the second reading.

The bill, on the motion of lord Kenyon, was then read a second time.

The Earl of *Lauderdale* said, that the petitioners wished to bring up medical men who could give evidence not only to the general health of the factories, but to the state of health of each child employed. On that point he was assured they could bring forward a complete body of evidence. The petitioners proposed also to prove the injurious consequences which would result from this bill to the cotton trade; for, while this restriction was threatened to be imposed on the cotton factories, the labour was left perfectly free in the worsted and other factories.

Lord *Kenyon* had hoped that the progress of the bill would have been more rapid than that which must follow from the delay insisted on by the noble earl. He wished it first to be considered, whether, after the evidence which had been heard by the committee of the other House, and the minutes of which were now before their lordships, any farther investigation could be necessary. If, after perusing that evidence, their lordships should be of opinion that they ought to have more information on the subject, they would doubtless call for it; but it was not requisite to agree to hear farther evidence, until they should find that what they possessed was insufficient. He should therefore wish the committee to be fixed for an early day, subject to postponement, if it should be thought fit to hear counsel and evidence.

The Earl of *Lauderdale* said, that the noble lord wished the House to decide on evidence taken before a committee of the other House in 1816, and which was, in the opinion of many of the most distinguished members of that committee, perfectly unfit for being made the foundation of any legislative proceeding. Were their lordships prepared to encroach upon that great principle of political economy, that labour ought to be left free, and without taking upon themselves the trouble of investigating the subject?—He moved that the bill be committed on Monday se'nnight.—Ordered.

The Earl of *Harrowby* thought it proper to observe, lest the noble earl should go away with the impression that evidence must necessarily be heard against the bill in the committee, that the order which had been made implied no such thing. He, for his part, could see no evidence which could be brought against the bill, unless the noble earl meant to say that he would prove that children, compelled to labour sixteen hours a day, were not overworked, which was impossible.

The Earl of *Lauderdale* was not prepared to state what would be the particulars of the evidence, but this much he understood, that medical men of great skill and reputation would prove that the children in the cotton factories were as healthy as children generally are. He never heard of their being worked sixteen hours a day, nor did he believe that to be done in the factories of the petitioners; but he must observe, that the observations did not depend upon the time, but upon the constitution and strength of those who were to labour. It would be greater hardship to make some children work eight or ten hours than it would be to make others work sixteen, if their labour was ever so much prolonged. The fault of the bill was, the fixing a limit to the exercise of labour, which was much the same as if one size of shoe were ordered to be made for every foot. The only rational course of proceeding was, to leave labour free, and then the time of labour would be properly regulated between the employers and the employed.

The Earl of *Liverpool* concurred in the observation which had been made by lord Harrowby. Even if the House agreed to hear counsel, he should, from the view he had taken of the subject, probably oppose the hearing of farther evidence.

The Earl of *Lauderdale* repeated what he had before stated respecting the nature of the evidence received from the House of Commons. To say that their lordships might hear counsel, and not evidence, appeared to him very absurd. What would it avail their lordships to hear counsel only? Counsel stated any thing, just what they were instructed, whether true or not [a laugh]. He always understood that counsel spoke from their briefs; but to say that their lordships would listen to counsel with a predetermination to refuse to receive evidence, was a more extraordinary proposition than any he had ever heard in that House.

The Earl of *Harrowby* observed, that their lordships had applied to the other House for evidence, and all he wished was, that they should not, before they had read that evidence, decide that there was a necessity for hearing more.

The *Lord Chancellor* wished to remind their lordships, that in consequence of a communication with the other House, they had received the report of a committee

on the cotton factories. That document had been dignified with the name of evidence, but in the sense he understood that word it was no evidence; but whatever it was, the bill before them had advanced to a second reading without their lordships having had the opportunity of perusing a word of it, and the committee was fixed for Monday se'nnight. The noble lord who had moved the second reading wished to forward the bill. On the other hand, the noble earl was anxious that witnesses from Lancaster should be heard against it as well as counsel. Let the question be considered in any way, their lordships must come to this conclusion—that if the statement made by counsel appeared to be such as they ought to be called upon to prove, and which they would pledge themselves they could prove, it would then be the duty of the house to hear evidence. In such a case the House would doubtless do its duty.

The Earl of *Liverpool* did not object to hear counsel; but the House would not decide to hear evidence until after the counsel had made their statement.

The *Lord Chancellor* said, that the House not only reserved to itself the right of refusing to hear evidence, but also counsel, if they should so think fit, because it would always be competent to them to discharge any order they might make. It was usual, however, to make an order for hearing evidence as well as counsel; otherwise, if after the counsel had made their statement, the House should desire to hear evidence, the witnesses might not be in attendance.

The Earl of *Lauderdale* wished the order to be made, because he was confident the parties might then go to the expense of having the witnesses in attendance; for he was certain that, when their lordships heard what he knew the counsel would state, they would consider it their duty to hear evidence. Their lordships, he was convinced, would act in this case as they had done in that of the bill respecting climbing boys. They had not rested satisfied with the evidence on which it had been passed by the other House, but had resolved to investigate the subject themselves. The consequence of that inquiry was, that even those who were in favour of the bill at first would now hesitate to agree to it. The committee on the present bill would, he was sure, have a similar result if evidence was received; and to refuse to hear evidence, would be, on the part of their lordships, a dereliction of duty.

The Earl of *Liverpool* rose again, in consequence of the allusion made to the Chimney-sweepers' Regulation Bill. The case of that bill was very different from the present. It was true that, with regard to that as well as to this bill, their lordships had applied to the other House of Parliament for information. But the objection to the former bill was, that it would not be practicable, consistently with the safety of the metropolis, to discontinue the use of climbing-boys, and trust to machinery. The necessity of guarding against fire might, therefore, render a modification in the measure necessary. But had this any analogy to the objection to the present bill? Was it possible to say that children compelled to labour more than fifteen hours a day were not overworked? What evidence could negative that proposition? If all the medical staff of Manchester were brought to the bar to prove it, he would not believe them.

Here the conversation ended, with an understanding that counsel and evidence should be heard against the bill before a committee of the whole House.

HOUSE OF COMMONS.

Friday, May 8.

CROWN LANDS.] Mr. Huskisson having brought in the Brecknock Forest Acts Amendment Bill,

Mr. *F. Douglas* said, he understood that, in a conversation which had taken place in his absence on the preceding evening, an hon. and learned friend of his had reflected on the conduct of a noble relation of his (lord Glenbervie), while in office. He wished that his hon. and learned friend would bring the charge before the House in such a form that he could reply to it, as he should then have an opportunity of showing that all the time that noble lord was in office had been marked by a series of improvements in the public revenue arising from the Crown lands, and by an extinction of the system of jobbing, which had previously been in existence. He could have wished as his hon. and learned friend had thought proper to reflect upon the conduct of his noble relation, that he had given him notice that such was his intention.

Mr. *Brougham* begged to assure his hon. friend, that the subject itself came before him quite suddenly. He had no

intention of speaking on it at that moment, but for the occasion presented by the bill of the right hon. gentleman. He had made no charge against the predecessors of the right hon. the surveyor-general of woods and forests. He could have made no charge against the noble relation of his hon. friend, as he did not know even then, that any of the transactions to which he alluded had taken place during his administration of the office. All he wished to do was, to show that the system which had been acted upon was not a good one. He had only contended that the Crown lands ought not to be sold, let, or exchanged without inviting public competition. He thought they ought only to be disposed of by public auction. To prove that in this idea he was correct he had shown that in several instances Crown land had been sold for ten, for twenty-five, and for thirty years purchase, while in a case where public competition had been invited, eighty years purchase had been given. He dared to say this might be satisfactorily explained, but till such explanation had been afforded, nothing had been said to prove that that course which invited public competition was not the system proper to be acted upon. He had also stated the honours to have been disposed of without competition.

Mr. *F. Douglas* expressed his satisfaction at the candid explanation which his hon. and learned friend had given.

Mr. *Huskisson* said, he had felt it to be his duty, after what had passed on the preceding day, to look back to the proceedings which had been referred to; and both in the case of the barony of Kendal, and that in which a cabinet minister, the earl of Westmorland, had been concerned, he found the greatest attention had been paid to the interest of the public. The earl of Westmorland had been mentioned as if he had obtained the right of the Crown to the soil at ten years purchase. The fact was, the right to the soil, and to the timber, lay in the earl of Westmorland. The Crown had only possessed some rights of minor importance, such as pasturing deer, &c. In fact these lands could in no way have been made profitable to the Crown, nor to any individual, unless those rights could have been obtained which lay in the earl of Westmorland himself. Now then he would ask, was this a proper case for disposing of the Crown lands by public auction? Would it have been right to take such a course when no competition was likely, and the noble earl might probably, as the only bidder, have been able to purchase on what terms he pleased. Some years had been passed in negotiations on the subject, before the noble earl could make up his mind to give what at last was paid to purchase those nominal rights of the Crown to which he had before alluded. As for the barony of Kendal he had to state, that it had been in the possession of the Lonsdale family for nearly two centuries. They had now but a life interest in it, and the reversion was to the crown. It had been valued by two sworn surveyors, who had stated it to be worth about 13,000*l.* Upon this it was tendered to the earl of Lonsdale for 14,000*l.* The right of pre-emption had only been given to the noble earl in consideration of his being in possession of the property. A similar course had been taken in another case where the hon. member for Banff was concerned. This plan was preferred as that which was most likely to gain the best price for the public, without injury to the individual. In these cases the interest of the public had never been forgotten, and this would be proved to the satisfaction of the hon. gentleman, if he followed up the subject as he now called upon him to do. In both the cases which had been referred to, better terms had been obtained by negotiations with the individuals concerned than could have been expected, had the property been put up to public auction.

Colonel *Lowther* stated the barony of Kendal to have been no bargain to the purchaser, and was satisfied that the same terms would not have been obtained had the property been disposed of in the way recommended by the hon. and learned gentleman. He anxiously hoped, that the House would examine, as closely as possible, into the manner in which the sales had been effected, that each member might be satisfied there had been no collusion on the part of the purchaser.

Mr. *Brougham* said, he was disposed to call for the documents relating to the transactions in question. He should wish all the correspondence to be produced, including not only the tenders and the correspondence which had led to the arrangement finally made, but also all the tenders which had been made, and the correspondence with the surveyors. He denied having meant to make any charge against the purchasers. They had a right to make the best terms they could. His

charge was against the government, or rather against the system on which they had acted.

The bill was then read a first time.

EDUCATION OF THE POOR BILL.] The order of the day for going into a Committee on this Bill, being read,

Mr. *Brougham* rose, and spoke to the following effect:—Sir; in rising to perform the duty cast upon me by the Education Committee, of describing to the House the progress of its inquiries, I am afraid I shall have occasion to trespass for some time upon your indulgence. First of all I must advert to the apparently slow progress which we have made in the investigation. Two years have elapsed since our labours began, and the bill now before the House is the first measure we have brought forward. I confess, that, to me this delay appears salutary. It has afforded ample time for the serious and repeated consideration which the vast importance of the subject prescribes to those who would legislate upon it; and an opportunity has likewise been given of obtaining the most valuable information from various sources. What I am about to lay before the House is to be taken as the result of that reflection and evidence.

In considering the want of education among the poorer classes of society, and the best measures for supplying it, we shall do well to regard the subject in two distinct points of view; attending, first, to the situation of the people in cities, and towns of considerable size; secondly to the circumstances of the people in small towns or villages, and in districts wholly agricultural, where hardly even a village exists. The House will soon perceive that a due attention to this division, and the diversities of situation upon which it is founded, furnishes a clue to guide us a great part of the way in our inquiries, if indeed it does not lead us to the conclusion. Now in large towns, in those I mean, where the population exceeds seven or eight thousand inhabitants, there exist, generally speaking, sufficiently ample means of instructing the poor; not that there is almost any town where all can at present be taught; but that the laudable exertions of individuals are directed everywhere to this object, and are daily making such progress as will in time leave nothing to be wished for. Societies are formed or forming of respectable and opulent persons, who, to their infinite honour, beside furnishing the necessary funds, do not begrudge what many withhold who are liberal enough of pecuniary assistance—their time, their persevering and active personal exertions. It is difficult to describe such conduct in terms of adequate praise: nor is it confined to the metropolis and the larger cities. We find hardly a town of any note in which some association of this sort has not been formed and there can be no doubt, that a sufficient number of schools to educate all the poor of such populous places may be maintained by the voluntary contributions of such bodies, if the obstacle is removed which the first expense of the undertakings, the providing school-houses occasions. Where so powerful a disposition, to carry on this good work, exists in the community itself, we should be very careful how we interfere with it by any legislative provisions. The greatest danger is to be apprehended of drying up those sources of private charity, by an unguarded interposition of the public authority. The associations to which I refer, act for the poor, both as benefactors, as advocates, and as trustees. They contribute themselves; they appeal to the community through the usual channels of private solicitation, of public meetings, and of the press; they raise sums by donations to begin the undertakings, and by annual subscription to meet the current expenses; they manage the expenditure, for the most part with a degree of economy, which I am afraid can never be hoped for in the distribution of any portion of the state revenue. Should parliament now show a disposition to assist those societies by annual grants (as we do the chartered schools in Ireland), no one can doubt, that the zeal of the collectors, and the exertions of the contributors would be immediately relaxed. Nor can it reasonably be questioned, that the funds so bestowed would be applied less economically. We might expect soon to see those incomes now raised for the education of the poor—in less considerable towns amounting to 100*l.* or 200*l.* a year, in larger cities to 1,200*l.*, 1,500*l.*, and even 2,000*l.*—dwindle to nothing, while others only in embryo might perish, and many beneficent schemes would assuredly never be formed at all, which the charity of the richer classes, left to itself, neither controlled nor assisted, might speedily have conceived. The line traced out for parliament with regard to the populous districts, by all the evidence given to the

committee, seems sufficiently plain. It should confine its assistance to the first cost of the establishments, and leave the yearly expenses to be defrayed in every case by the private patrons. The difficulty, generally experienced, in beginning a school, arises from the expenses of providing the school room and the master's house. In many places the inhabitants could raise so much a year to keep the thing going, provided it were once started; but something in the nature of an outfit is wanted; and undertakings are thus often abandoned from the difficulty of meeting this first and greatest expense. Whatever parliament may be disposed to do, should be confined to removing this impediment, and thus calling into action the beneficent dispositions of the community, without in any wise superseding the necessity of them.

The House, I am persuaded, will be gratified to learn how extensive has at all times been the operation of public charity upon the education of the poor in this country. I speak now of the funds raised by occasional contributions, independent of the magnificent endowments of charitable establishments. The extent of these subscriptions in the present day is well known; but the committee have been furnished with an account of them a century ago, by the kindness of Mr. George Dyer, a man greatly to be respected for having devoted a long and active life to literary pursuits. It appears by this statement, published in 1713, that in the city of London no less than 4,952 children then received their education from annual subscriptions, and the collections made at charity sermons. The expense of teaching and clothing them was 8,859*l.* a year, including the cost of even boarding a small number. This is a curious fact, when contrasted with the great expense of such establishments in these times. I have compared the charges of a school in Bloomsbury, as stated before the committee in 1816, where 101 boys, and 60 girls, were taught and clothed with the charges of a school mentioned in the old tract, where 100 boys, and 60 girls were taught and clothed: the whole cost, in queen Ann's time, appears to have been 212*l.*, and in the present day, it exceeds 1,200*l.* It must, indeed, be confessed, that this increase of expense is, in part, owing to certain abuses in the management of our charities. The committee have found several instances of tradesmen subscribing to the funds of a school with the view of obtaining its custom; and the trustees, instead of checking their large charges, appear frequently to have some fellow feeling, which makes them connive at the excess, as well as allow an undue amount of purchases. The examinations of these matters, which took place two years ago, and the discussion to which our report gave rise, I would fain hope may already have applied the only remedy which is adapted to this mischief, by exciting the more scrupulous attention of the subscribers, and of the public to the administration of those funds.

When we turn from the considerable towns and populous districts, to parts of the country more thinly peopled, we perceive a very different state of things, in all but one essential particular, in which every quarter of the kingdom seems to agree. The means of instruction are scanty; there is little reason to look for their increase, but the poor are everywhere anxious for education. From the largest cities to the most solitary villages —to remote districts where the inhabitants lived dispersed, without even a hamlet to gather them together; whether in the busiest haunts of men, the seats of refinement and civility, where the general diffusion of knowledge, and the experience of its advantages or pleasures might be expected to stamp a high value on it in all men's eyes; or in the distant tracts of country, frequented by men barely civilized, and acquainted with the blessings of education rather by report than observation—in every corner of the country the poor are deeply impressed with a sense of its vast importance, and willing to make any sacrifice within the bounds of possibility to attain this object of their ardent and steady desire. All the evidence collected by the committee evinces the truth of this statement, so honourable to the character of our country; and I make it with a feeling of pleasure and pride, because it shows the existence of a noble spirit in Englishmen, which all the calamities of the times have not been able to undermine or to subdue.

We have recently issued a circular letter containing queries addressed to all the clergy of England and Wales, respecting their several parishes. Already answers have been received from above seven thousand places; and I cannot avoid expressing the sense entertained by the committee, of the zeal and alacrity shown by

those reverend persons, who laying aside all other avocations, have lost not an hour in applying themselves to the consideration of this important subject. The House will better judge of this meritorious exertion, when I add, that these answers have all been received within the space of nine days, and the remainder are hourly pouring in. I have been enabled to form some opinion upon the information which the returns contain, by the assistance of the officers of the House, and the kind attention bestowed by two learned gentlemen, who are aiding us in digesting this great mass of materials. Reserving for a subsequent part of my observations an account of the other purposes, to which these inquiries have been subservient, I shall at present state the results of the evidence, as far as they bear upon the difference between the inhabitants of the populous and thinly peopled districts.

The difference is twofold. In the first place, where the town is considerable, though the people may be of various religious denominations, no impediment to instructing the whole arises from that circumstance, because there is room for schools upon both principles. The churchmen can found a seminary, from whence dissenters may be excluded by the lessons taught, and the observances required; while the sectaries, or those members of the establishment who patronize the schools for all without distinction of creed, may support a school upon this universal principle, and touch those whom the rules of the church society exclude. But this is evidently impossible in smaller towns, where the utmost exertions of the wealthy inhabitants can only maintain a single school. There, if the bulk of the rich belong to the church, no school will be afforded to the sectarian poor; though, certainly, if the bulk of the rich be dissenters, the poor connected with the establishment may profit by the school, which is likely to be founded. If, on the other hand, the wealthy inhabitants are more equally divided, and the members of the church refuse to abandon the exclusive plan, no school at all can be formed. Accordingly it is in places of this moderate size that the difference between the two plans is the most felt, and where I can have no doubt, that the progress of education has been materially checked by an unbending adherence to the system of the national society. The moderate size of the place renders the distinction of sects most injurious to education, even where there exist the means and the disposition to establish schools by subscription. But, secondly, in the smallest towns, and in villages and country districts, there is not found the same inclination to plant schools, which so honourably marks the conduct of more populous places. Where individuals live in very narrow communities, still more where they are scattered in the country, they have not the habits of assembling in meetings, and acting in bodies. Their zeal is not raised by the sympathy and mutual reflexion, which constant communication excites; and even where their dispositions are good, they know not how to set about forming or promoting a plan which must essentially depend on combined operations. In such districts, we certainly cannot expect the great work of educating the poor to be undertaken by the voluntary zeal of the rich. And here, therefore, it is that I must look forward to legislative inference, as both safe and necessary.

I am aware how dry and uninteresting this subject is to many persons present.—[There was considerable noise about this time in some parts of the House]. It has nothing of a political, or party, or personal nature. It involves no inquiry into the conduct of the royal family. It regards no violation of the privileges of the House. It is alike unconnected with the preservation and the pursuit of place, and can afford gratification to no malignant or interested feeling. It has but a sorry chance, then, of fixing the attention of such as love to devote their minds to those higher matters. But I stand here to do my duty as chairman of your committee, and if the task which interests me should prove dull to others, I only beg to assure them, that I neither desire their attention nor their presence; and if perchance they have any more pressing avocation elsewhere at this particular moment, I should feel obliged, by their pursuing it, and leaving us, without disturbance, to the dull, plodding, ignoble work, of vindicating the cause of the poor; of supporting those who can have no other advocates; of urging the necessity of universal education, and imploring parliament to impart that blessing which can alone preserve the virtue of a populous, commercial, and luxurious empire, and prevent its stability from being shaken by the progress of its refinement. The only plan to which

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we can look with confidence for securing this mighty object is the application of a parish school system to those parts of the country where voluntary exertions are not to be expected from the higher classes of society. In Scotland this system has long been established with the happiest effects, and it was begun there at a time when all that portion of the island was in the same situation with those districts of England, to which I now consider it as peculiarly applicable. To towns of a considerable size I deem it inapplicable; and if applicable not desirable. But there seems no other way of providing education for all the poor in smaller towns, and in country parishes. Something of this sort has heretofore been submitted to the attention of the House. About eleven years ago, a very dear and most lamented friend of mine broached it, prematurely, perhaps, but usefully, and with all the force of his powerful and virtuous mind—a mind which ever seemed to bend its faculties most earnestly to subjects that touched the well-being of the poorer, and more helpless classes of the community. The benevolent views of Mr. Whitbread then met with great opposition; and I think not unnaturally; for the House was called upon to legislate upon a great and complicated question without any previous inquiry, and to proceed, as it were, in the dark, among a variety of unascertained obstacles. He had besides strong prejudices to encounter, even in men of high character and talents. Among these, it is painful to recollect that there was one, who ranked with the greatest ornaments of his age; one who never failed to captivate his hearers by the brilliant displays of his fancy, even while they felt that his subtleties were leading their good sense astray; whose ingenuity, indeed, was constantly laying snares for his own better judgment: and who too often tried to mislead others by paradoxes, which, on cooler reflection, he must have been the first to despise. It is melancholy and even humiliating to reflect on this, the greatest of all his paradoxes, that Mr. Windham, himself the model of a finely-educated man, the most finished specimen of the power of cultivation, should have stood forward as the active opponent of national education. He was followed, as great men usually are, by persons who would have been left at an immeasurable distance, if they had attempted to reach the course of his noble genius and virtues, but who found it an easy matter to ape his eccentricities and errors. Nay, with the servile zeal of imitators, they outstripped their master, and maintained, that if you taught plowmen and mechanics to read, they would thenceforward disdain to work. It is a most comfortable reflection that such prejudices and fancies have now entirely died away. During this, and the two last sessions, in all the discussions that have taken place, both in the House, in the committee, and in the country, I have never heard a single whisper hostile to the universal diffusion of knowledge. Every thing like opposition to the measure itself is anxiously disclaimed by all. The only question entertained is, touching the best, that is the surest and most economical method of carrying it into effect.

I have stated, that, in my humble opinion, we ought to adopt the system which has already been tried with so much advantage in Scotland, with such changes as may adapt it to the situation of this country. The attention bestowed from the earliest times, upon the important subject of national education in that part of the kingdom, reflects immortal honour upon its inhabitants. As far back as the fifteenth century, in the year 1494, when it would be very difficult to trace any attention to such matters in the proceedings of the English or the Irish parliament, that comparatively poor and barbarous country introduced into its Statute book an act, the mention of which, I suspect, may excite merriment in the House—an act to compel persons of a certain station, barons, and freeholders of substance, to have their eldest sons well grounded in Latin at the grammar schools, and afterwards to study the laws for three years, to the end that "justice might remain universally through all the realm." Other legislative provisions of inferior importance were made in the course of the sixteenth century, and at length, in the reign of Charles 1st, the attention of government was directed to the establishment of parochial schools. To that monarch is unquestionably due the praise of having begun the system. I know not if historians have sufficiently marked the difference of his conduct towards England, and towards his ancient hereditary kingdom. In this respect he somewhat resembled a celebrated chief of our own times, who always treated with much more favour the country of his birth than that of

his adoption. So, whatever Charles 1st may have been in England, in Scotland he was a great reformer. She owes to him the most beneficial change that was ever effected in ecclesiastical polity, the general commutation of tithe; and about the same time he laid the foundation of another improvemen, hardly less important both to the state and the church, the system of parish schools. In the preceding reign, an act of council had passed, 1616, directing the bishops "to deal and travail," with their respective dioceses for "providing the means of entertaining schools." And the statute of Charles, in 1633, compelled the landholders to undertake this work. It was not, however, till after the Revolution, that the measure was rendered effectual, in 1696, by one of the last and best acts of the Scottish parliament: a law justly named among the most precious legacies which it bequeathed to its country. The experience of above a century has borne irresistible testimony to the salutary tendency of this scheme. The expense attending it is moderate. The schoolhouse is a building little better than a barn, which in Scotland may cost 40*l.* or 50*l*; and in England may be erected for 100*l.* or 150*l.* The yearly salary of the master, originally from 5*l.* to 11*l.*, was raised in 1803 to its present amount of 16*l.* to 22*l.** For sums no greater than these, expended in every parish, the whole of Scotland enjoys the inestimable benefits of an education, which extends to the poorest classes of her inhabitants, and, in its effects, confers a thousand advantages upon the highest orders in the state. The system is efficient as cheap—extensive as useful—permanent as salutary. The distinctions which it bestows are as honourable as its effects are beneficial; and neither the one nor the other are confined to the country itself. Go where you will over the world, the name of a Scotchman is still found combined in the minds of all men, perhaps with some qualities to which sincere regard for that good people restrains me from mentioning; but certainly with the reputation of a well educated man. To the possession of this enviable characteristic, and not, I trust, to the other qualities imputed to them, we may fairly ascribe the high credit, the great ease, and what is usually termed, the success in life, which generally attends Scotchmen settled abroad. Other countries where they have settled have partially followed their example, as indeed, into what part of the world have they not emigrated? — [There was considerable cheering at this question]—Aye, Sir, and let me ask, where have they gone without conferring benefits on the place of their adoption? In what place have they settled, that has not reaped, at the least, as much advantage from them as it has bestowed upon them? In Sweden, where a number of the noble families are of Scotch extraction, something upon the model of the parish school system has long been established. In the Swiss cantons and in many of the Protestant countries of Germany, the example has been followed, with more or less closeness, and wherever the plan has been adopted, its influence upon the improvement of the lower classes and the general well-being of society, has, if I may trust my own observation, and the concurring testimonies of other travellers, been abundantly manifest. America affords another instance which deserves to be cited as a triumphant refutation of the whimsies of ingenious men, who fancy they can descry something in education incompatible with general industry. That is surely the last country in all the world, where idleness can expect to find encouragement. The imputation upon it has rather been that the inhabitants are too busy to be very refined. An idler there is a kind of monster; he can find no place in any of the innumerable tribes that swarm over that vast continent. In the rapid stream of its active and strenuous population it is impossible for any one to stand still a moment; if he partakes not of its motion he will be overwhelmed or dashed aside. Yet such is the conviction there, that popular education forms the best foundation of national prosperity, that in all the grants made by the government of their boundless territory, a certain portion of each township, I believe the twentieth lot, is reserved for the expense of instructing and maintaining the poor.

I have already adverted to the introduction of this subject some years ago by Mr. Whitbread. The only sound objection which was then urged against a plan, resembling in some of its principles the

* By 43 Geo. 3. c. 54. More accurately, the old stipends were from 5*l.* 11*s.* 1*d.* to 11*l.* 2*s.* 2*d.*; the new stipends are from 16*l.* 13*s.* 3*d.* to 22*l.* 4*s.* 4*d.* and they are to be corrected every 25 years according to the price of grain.

one I am now broaching, though differing in many important respects is so germain to the matter in hand, and proceeded from so respectable a quarter, that I must here shortly notice it. Mr. Perceval deemed my hon. friend's proposal premature; he thought it was beginning at the wrong end, to legislate before we had inquired; and he recommended (what I was not aware of two years ago, when I first proposed the present measure) that before any thing farther was done, a commission should be appointed to examine the present state of the charitable foundations, and other institutions for educating the poor. The committee has already made great progress in the investigation of this subject; it has received a prodigious mass of information from all parts of the country. We are now diligently employed in prosecuting these researches, and in digesting their results into Tables, which may exhibit at one view a general, but minute chart of the state of education throughout the empire; so that the eye may readily perceive in each district what are the existing means of public instruction, and wherein those means are deficient; how many children in any given place are taught, and after what manner; how many are clothed or maintained; how the funds for their instruction or support arise; with much information of a miscellaneous nature, affording valuable suggestions to the commission which is about to issue, for the more rigorous investigation of all charitable abuses. When these tables shall be laid before the House, an ample foundation will be prepared for the legislative measure, which, sooner or later, I am convinced must be adopted; for they will indicate the kind of districts where parish schools are most wanted, and enable us to frame the provisions of the law, so as not to interfere with the exertions of private charity, and to avoid unnecessary, and what is the same thing, hurtful legislation.

The more immediate subject, however, of our consideration at present is, the measure of inquiring effectually into the state and management of charitable funds, and I am persuaded that the House will feel with me the necessity of adopting it, when I state a few particulars to show the large amount of those funds, and the abuses to which they are liable. The returns in pursuance to the 26th Geo. 3rd, commonly called Mr. Gilbert's act, are known to be exceedingly defective; yet they make the yearly income of charities about 48,000*l.* from money, and 210,000*l.* from land in the year 1788. It appears from evidence laid before the committee, that in one county, Berkshire, only a third part of the funds was returned. If we suppose this to be the average deficiency in the whole returns, it will follow that the whole income actually received by charities was between 7 and 800,000*l.* a year. But this is very far from an accurate estimate of the real annual value of charitable estates. Several circumstances concur to keep the income down. In the first place, the trustees have, generally speaking, very insufficient powers for the the profitable management of the funds under their care. They are thus prevented from turning them to the best account. I know of many cases where, for want of the power to sell and exchange, pieces of land in the middle of towns lie waste which might yield large revenues. The right hon. gentleman opposite (Mr. Huskisson), connected with the department of the land revenue, is perfectly aware how important an increase of income might be derived from an addition of this sort to the power of trustees. It is a power which the donors would in almost every instance have conferred had they foreseen the change of circumstances that renders it so desirable. Another source of diminution to the revenue of the poor is the loss of property through defects in the original constitution of the trusts, and a consequent extinction in many cases of the trustees, without the possibility of supplying their places. Negligence in all its various branches is next to be named, including carelessness, ignorance, indolence, all the sins of omission by which men suffer the affairs of others to perish in their hands, when they have the management of them gratuitously, and subject to no efficient check or control. Add to all these sources of mismanagement, the large head of wilful and corrupt abuse in its various branches, and we shall probably underrate the amount of the income which ought now to be received by charities, if we say that it is nearer two millions than fifteen hundred thousand a year; by far the greater part of which arises from real property.

It is very material to observe the intimate connexion between this subject and another, which at present justly occupies a large share of our attention, and excites a most lively interest throughout the

country—the poor laws. Were I to suggest that an inquiry into the extent of the funds already destined to charitable purposes, and the best means of making them available to those ends, ought naturally to accompany, if not to precede a revision of the laws for supporting the poor, I should hardly be accused of taking a fanciful, or sanguine view of the question, or of falling into the error so commonly observed in projectors and authors, who are prone to imagine that their favourite subject shoots its ramifications into all others. I have the authority of the legislature, which by its practice has sanctioned the position, that the present inquiry is connected with the poor laws. The first statute of charitable uses, which was a temporary one, passed in the 39th of Elizabeth, at the time when the state of the poor was attracting the notice of parliament. The well known act of the 43d of that reign, which followed, was passed in the same year with the celebrated poor law, and stands next but one to it in the Statute Book. The preamble to Mr. Gilbert's Act recites the expedience of inquiring into charitable donations at the time when "the legislature are directing inquiries into the state and condition of the poor." The present then seems an equally appropriate occasion for undertaking the investigation which I now recommend, when we are occupied in revising the system of the poor laws.

As the mass of evidence examined by the committee cannot for some time be accessible to the members of this House, I think it may be useful if I now state a few cases of mismanagement and abuse, to serve for a sample of those which may be found in every part of the country. I shall not at present name the particular places, but only the counties whence the cases have come; because inaccurate reports of the charges made here against individuals are apt to get into circulation. When the whole details shall be presented in the committee's report, the persons accused will be pointed out; but they will then have an opportunity of seeing the statements on which the charges rest, and knowing the names of their accusers. A strange neglect, to say the least of it, has appeared in the administration of some Berkshire charities. In Charles 1st's reign the sum of 4,000*l.* was left to be laid ou t in land for the use of a school, and in 1660 the purchases were completed, for 3,900*l.*, the remaining 100*l* having probably gone for the expenses of the conveyance. What rent does the House think these lands have yielded? In 1811 it was only 196*l.* a year, five per cent on the original purchase money a century and a half ago, and only 10*l.* more than was received a few years after the Restoration. The good and diligent trustees in Charles 2nd's time dealt wisely and well with the estate, for they very soon made it yield 5 per cent; but the less careful, I will not say less honest, stewards in George 3d's reign, granted a sixteen years lease at a rise of ten pounds above the rent in the seventeenth century. In 1811, indeed, the rent was doubled; though there is every reason to believe that it is still very inadequate. To another school in the same county belongs an estate let at 450*l.*, which the surveyors value at above 1,000*l.* a year. And the incomes received from lands purchased seventy years ago, by different charities, with sums amounting in the whole to 22,000*l.*, is now only 379*l.*, being little more than one and a half per cent on the purchase money. A certain corporation in Hampshire has long had the management of estates devised to charitable uses, and valued at above 2,000*l.* a year by surveyors. They are let for 2 or 300*l.* a year on fines. How are the fines disposed of? No one knows; at least no one will tell. Those interested in the application inquire in vain. The corporation wraps itself up in a dignified mystery, and withholds its books from vulgar inspection. The same worshipful body has obtained possession of a sum of 1,000*l.*, part of a bequest well known by the name of White's Charity. In former times sir Thomas White, a merchant in London, left certain estates to form a fund for assisting poor tradesmen with small loans, somewhat according to the plan adopted by Dean Swift, but which his peculiar temper frustrated, and rendered a source of great uneasiness to himself. The corporation to which I allude, became entrusted with 1,000*l.* of this money; and what they have done with one half of it I know not; they may have lent it to poor traders; but I am aware that the other 500*l.* has not been so lent, either with or without interest, but applied to pay a corporation debt, and in this ingenious manner: it has been lent without interest to the creditors of the corporation in satisfaction for the present of their debt, and a truly marvellous recommendation has been entered on the

corporation books to their successors, to do the same as often as the demands of the creditor might require the operation to be performed. I hold in my hand forty or fifty more instances of abuse, extracted from the numerous returns made by the resident clergy. The committee room is directed to be opened to every member of the House; gentlemen will there see the returns arranged in piles, under the heads of the several counties, and the praiseworthy zeal of the two learned gentlemen (Mr. Parry, and Mr. Koe) who assist the committee, will help them to find any of the particular cases to which I am now referring, as well as many others which I am obliged to omit. At a place in Devonshire the question, What funds exist, destined to the purposes of education, is answered by a statement, "that the funds of the Foundation School are known only to Mr. Such-a-one." In another return it is said, that no account whatever can be obtained of the funds; and in a third, the estate belonging to the charity is alleged to have been let on a ninety-nine years' lease. Now this lease of itself I hold to be an abuse. To let and take a fine is an abuse; to let for so long a term without taking a fine is a gross mismanagement of the property. What then will the House say of leases for eight and nine hundred years? We have evidence of both; and in one case for a pepper corn rent. In the county of Norfolk, a school was founded in 1680, for educating forty children; but none are now taught there at all. The reverend author of this return observes, that great mystery hangs over this charity—a remark the less surprising, when we find that the estates produce 300*l.* a year, and that the accounts have not been audited for thirty years. A school was anciently endowed in Derbyshire, and the lands produce 80*l.* a year, but no children are taught; and the return describes the management of the funds to be "most shameful and abominable." The master has done nothing for ten years; the trustees are all dead; and no successors have been appointed. In Essex a school was founded many years ago, and at one time it had fallen into such mismanagement, that only a few boys were taught, I believe, by a mechanic whom the master appointed. The present incumbent provides for the education of 70 children, but so ample are the funds, that he receives about a thousand a year, after paying all the expenses of the establishment. Owing to the neglect of the trustees, the whole management of another school in that county has lapsed to Magdalen College, Cambridge, and the clause in the present bill exempting all charities under the control of colleges, will prevent the commissioners from inquiring into the causes of this devolution, for which no blame can attach to Magdalen, but certainly the greatest neglect must be imputed to the trustees. In one place, in Leicestershire, the property belonging to a school has lately been offered for sale, by what possible right or title I am unable to divine. A surplus fund is stated in another return to have been pocketed by the trustees. In Nottinghamshire there is a free school, the funds of which our reverend informant scruples not to say are grossly abused. The scholars are wholly neglected, and hush-money is given to the master. The income is stated to be 400*l.* a year. In Worcestershire a charitable foundation, which existed a few years ago, is said to have entirely disappeared. In the same county there is a school endowed with an income of 1,000*l.* a year; and timber was lately cut upon the estates which sold for 370*l.* By the deed of foundation all the inhabitants of the place are entitled to have their children educated; but the master has made so many exceptions and restrictions, that only eight boys belonging to that place are taught. In the North Riding of Yorkshire is a school, the revenue of which amounts to 1,300*l.* a year; six boys are taught. The master of a school in the East Riding receives his salary and lives in the West Riding; he has done so for thirty years past: it is needless to add, that "the school is a sinecure, and the funds grossly misapplied." In one of the Northamptonshire returns, the clergyman says, he can learn nothing of the application of a school estate of 75*l.* a year, which never was registered, and he adds, that other charities in his parish are misapplied, and more in danger of being lost, "in consequence of the parish clerk having been plundered of all writings relative to charities." In Derbyshire one return gives this answer to our question, What funds exist in your parish for education? "None; my lord Such-a-one and his ancestors have withheld the rent of certain lands of considerable value from the grammar-school." A similar case seemed to be presented to our notice, by a remark in a

county history: the author says, that in a certain parish (in Westmorland) a school was amply endowed and begun, "but being only in its probationary state, it was thought fit by the owner of the estate to be discontinued." In other words, the scholars were (to use the technical phrase) dismissed, the school broken up, and since that time no man had heard any thing of it. Pursuing this hint we caused the probate office to be searched, and there found a will in 1700, devising a manor, a capital messuage, the tithes of a parish, and the tithes of a hamlet, for the establishment and support of a school. Yet this school had never passed beyond "its probationary state." It is true, that some of those to whom the estate devolved have lately, as an act of their own charity, founded a small school in their own name. But it is fit that all persons should learn one lesson; when funds are given to the poor, gratitude is due, and I trust is always rendered; and then the funds belong to the poor, who are not to be called upon a second time to thank those from whom by piecemeal the same property is again doled out, which had been given entirely, and once for all, above a hundred years ago. I know another instance in the northern parts of Yorkshire, where for an income of near 500*l.* a year, the master teaches four or five scholars, when within the memory of many now living, the same endowment used to educate forty of fifty.

It may be observed of the cases which I have stated, that they are all (except two) taken from the returns furnished by the parochial clergy; and consequently they are beyond every suspicion of exaggeration. Indeed there can be no doubt that those reverend persons are rather disposed to understate the abuses in their neighbourhood, from a disinclination, perhaps pardonable upon the whole, to become the accusers of those with whom they live on friendly habits. I must add another observation upon the source of our intelligence. The returns and indeed the labours of the committee relate only to charities connected with education, and consequently we have received no evidence regarding any other abuses, although it is manifest that all charities are as liable to mismanagement as the class more particularly examined.

I shall now strengthen the inferences which I am pressing upon the House, by the high authority of the committee which sat in 1786 and 7 upon the returns under Mr. Gilbert's act. The report states, that many charitable donations have been lost, and others were in danger of being lost, from the neglect and inattention of those who ought to superintend them; that the matter seems of such magnitude as to call for the serious and speedy attention of parliament; and it admits that the returns under the act are exceedingly imperfect.

Yet, strange to tell, this recommendation has been wholly neglected by parliament for above thirty years. I shall add another testimony to the general existence of abuses, the more unexceptionable because it comes from an unexpected quarter: I mean the late lord Kenyon; an authority greatly to be respected on every account, but peculiarly entitled to deference when it appeared in opposition to public malversations, which that noble and learned person never showed himself peculiarly zealous to denounce. I allude to a case in the sixth volume of the Term Reports, the King *v.* Archbishop of York. A schoolmaster had been refused a licence on account of unfitness, and the court of King's-bench was applied to for a Mandamus. The lord chief justice begins his judgment in the prelate's favour with these remarkable expressions.* "Whoever will examine the state of the grammar schools in different parts of this kingdom will see to what a lamentable condition most of them are reduced, and would wish that those who have any superintendence or control over them, had been as circumspect as the archbishop of York has been on the present occasion. If other persons had equally done their duty, we should not find as is now the case, empty walls without scholars, and every thing neglected but the receipt of the salaries and emoluments. In some instances that have lately come to my own knowledge, there was not a single scholar in the schools, though there were very large endowments to them."

When such are the abuses that exist, and so high the authorities which proclaim them, I surely may venture to assert the absolute necessity of parliament taking immediate steps thoroughly to investigate and sift the whole matter to the bottom. But let me here notice the clamour which has already been raised against the powers proposed to be conferred upon the com-

* 6 Term Reports, 493.

missioners charged with this important inquiry. I hear it said, that they are inconsistent with the rights of private property. Under the flimsy pretence of great tenderness for those sacred rights, I am well aware that the authors of the outcry conceal their own dread of being themselves dragged to light as robbers of the poor, and I will tell those shameless persons, that the doctrine which they promulge, of charitable funds in a trustee's hands being private property, is utterly repugnant to the whole law of England. That law regards the inheritance of the poor as matter of public, not of private jurisdiction, and deals with it as it does with the rights of the Crown and the Church. I am anxious to correct once for all the misrepresentation of which I know complain, because it is artfully disseminated with a view to excite prejudices against the proposed measure, by appealing to the very just delicacy that prevails on every thing connected with private rights. I therefore again assert, that a more gross abuse of language never was committed by ignorant or by wilful perversion, than the statement that charitable funds are of a private nature. The legislature has at all times treated them as public. The 43rd of Elizabeth orders commissions to be issued for examining all abuses of those funds, with powers not merely to inquire, but to reform by making "orders, judgments, and decrees." Who ever thought of a commission to investigate, or control the management of private property? When a private estate is dilapidated—when land is let for an elusory rent—when the interests of the remainder-man are in any way sacrificed by the tenant for life—who ever dreamt of allowing any one not interested (except in the case of an infant) to apply for a judicial investigation of the injury? Yet, by the statute of Elizabeth, commissioners may be sent into any county with powers to impannel a jury, and proceed judicially against all who mismanage, or abuse funds destined to charitable uses, without any previous complaint at the instance of any party interested in the property. In like manner Mr. Gilbert's act requires every person in whose hands any such funds are, whether arising from land or other sources to return the nature and amount of the estates within three months, on pain of forfeiting one half of the property at the suit of a common informer. The two statutes passed in 1812, proceed upon the same view of the question. By one of them (52 Geo. 3rd., c. 101) a registry of charitable donations is prescribed: and the other (52 Geo. 3rd., c. 102) gives a remedy for any abuse of them, by petition to a court of equity, which any two persons may present; a proceeding which has, however, proved most inadequate to the correction of the mischief. Such is the light in which charitable funds have always been regarded by the legislature, and so little have they ever been considered as private property! But I might appeal to the view which the common law takes of them, when it places them, as it were, under the joint protection of the Crown and the community, authorizing the attorney general to file an information on the relation of any individual, who may state that a charity has been abused. What is there analogous to this in the whole law of England with respect to private rights, unless perhaps in the case of infants? It seems as if the law regarded all charitable funds in the light of an infant's estate, and took the poor under its especial protection. But it is said, that there is some hardship in calling upon individuals to produce their title deeds. I have endeavoured so to frame the measure in contemplation, as to remove every pretence for this complaint. Where the whole of a deed or other document relates to the charity, the person possessed of it must show it; and he cannot possibly apprehend any inquiry from doing so. Where only a part of the writing relates to the charity, and the rest may be supposed to regard the other titles of the possessor, then he is only compellable to produce an attested copy of the portion which relates to the charity. And if a document is called for, which the possessor will swear does not relate to any charity, he will then not be required to produce either the instrument or an excerpt. Thus, where the title of the charity is mixed up with the title of the private property, the latter is sacred from all inquiry; although indeed the great majority of such cases are matter of public notoriety, being generally bequests and devises in wills disposing of whole estates, and accessible to all at the probate offices. Where documents are in the hands of agents trustees, or mortgagees, a provision is made that they shall not be obliged to produce them without due notice being given to their principals, cestui-que-

trusts, or mortgagors, so that any objection available to the latter may hold good to prevent the production in the hands of the former. The power of commitment given to the commissioners has also been objected to: I answer, that such a power appears essentially necessary to make the machine work. Where abuses of such magnitude, as I have described, exist, we cannot expect the strong interest of individuals in concealing them to be overcome without the application of a force which shall at once defy such resistance. Ample guards and checks are however provided to preclude the possibility of this power being abused, and to give the party aggrieved speedy relief, particularly by a direction that the whole examination which leads to any commitment shall be set forth in the warrant.

The provisions exempting the two universities, and the four great schools is the only other part of the details of the measure that may require observation. It has been asked, why those bodies should be excepted? If there be no abuses in the management of their funds or in the administration of their other concerns, what have they to dread from inquiry? If, on the contrary, there are such abuses, why not examine and correct them? I confess myself one of those who feel the force of the remark. I will allow much to the high dignity of those bodies, especially the universities; but I cannot easily imagine that it could be injured by an investigation leading to an acquittal which must place them beyond all suspicion. Nay, I think, the truest dignity is that which, conscious of innocence, defies and courts inquiry; not that which wraps itself up in mystery and affects to place itself above being questioned. For it must be observed, that as such a refusal is equivocal, and may proceed alike from fear of exposure, and repugnance to being suspected, there will never be wanting persons to believe that all the mystery so proudly affected, is intended to consult their safety rather than their dignity. But, beside the apprehension that a refusal might have endangered the bill in certain quarters, the reason which has influenced me in acceding to the proposed exemption is, that those great establishments are placed conspicuously in the eyes of the public, and may be examined by the ordinary proceedings in Chancery, and by the inquiries of this House. In most cases the danger of abuses arises from the obscurity of the charity, the existence of which is often unknown, even to those who ought to act as the trustees. Into such cases, the committee above stairs cannot inquire as they may into the universities; and individuals can neither discover the abuse nor undertake a litigation for that purpose. It is singular enough, that the statute of charitable uses originated in a charge of abuse preferred against the universities. From a passage in D'Ewes' Journals,* it appears that a complaint was preferred to this House, "of many corruptions in the masters of colleges in Oxford and Cambridge, in abusing of the possessions of the same contrary to the intents of the founders, converting the benefit thereof to their own private commodities," and the "advice of the House was prayed for reform and for a bill."

In consequence of this statement a bill was passed, and sent up to the Lords. But mark the progress of it. Their lordships returned it by the hands of the archbishop of Canterbury, with an amendment; upon looking into which, it was found to be a clause exempting the universities from the provisions of the act: the act having been deemed necessary, in consequence of supposed malversations by those very universities!

It has been said, that the statute, of which I have just mentioned the notable origin, affords a sufficieht remedy for the evil. The history of the proceedings under it affords the best answer to this objection. During the first year after it passed, forty-five Commissions of Charitable Uses were issued. From that time to the year 1643, the returns are defective the docket books in the Crown-office having been destroyed. From 1643 to the Restoration, there were two hundred and ninety-five commissions. The troubled state of the country during the civil wars having probably occasioned great neglects and abuses of charities, a considerable increase took place in the number of commissions, and no less than three hundred and forty-four were issued, between 1660 and 1678. From that time to 1700 there were one hundred and ninety-seven: from 1700 to 1746, only one hundred and twenty-five: and from thence to the beginning of the present reign no more than three. So that the whole number from 1643 to 1760 was nine

* 39, 40 Eliz. anno. 1597.—D'Ewes. 559.

hundred and sixty-four. Since the latter period, and indeed for twenty years before, this remedy may be said to have fallen into disuse. There have been only three commissions this reign, and only six in the last 75 years, of which number only one has issued since 1787, when the committee stated the urgent necessity of investigating charitable abuses. It is hardly needful to show the reasons, why the statutary remedy is inapplicable to the present times, and in itself cumbrous and inefficacious. Suffice it to observe, that it leads him who pursues it sooner or later into the court of Chancery; and in truth, as the law now stands, that well-known court is the only refuge of those who complain. See, then, the relief held out to us by those who oppose, or threaten to oppose this measure, and who bid us resort to the ancient laws of the land! It is admitted to be true, that glaring abuses everywhere prevail—true that hardly a parish or a hamlet can be named where complaints are not heard—true, that the highest judicial authority proclaimed the extent of the grievance—true, that a committee of the House of Commons, thirty years ago, vehemently urged you to afford redress. But your remedy is at hand, say the objectors—what reason have you to complain? Is not the court of Chancery open? Come, all ye who labour under the burthen of fraud or oppression—enter the eternal gates * of the court of Chancery! True you are the poor of the land—the grievance you complain of has robbed you of every thing: but pennyless though you are, you are not remediless—you have only to file a bill in equity, and the matter will take its course! Why, if there were nothing in the reality, there is something in the name of the court of Chancery that appals the imagination, and strikes terror into the unlearned mind. I recollect a saying of a very great man in the court of King's-bench. The judge having said of his client, "Let him go into a court of equity." Mr. Erskine answered, in an artless tone of voice, which made Westminster-hall ring with laughter, "Would your lordship send a fellow creature there?" There may be some exaggeration in the alarms created by the bare name of this court; but, as long as it exists, a barrier is raised against suitors who only seek redress for the poor, though no bars of oak or of iron may shut them out. Yet that the prevailing panic has some little foundation, I will show you by a fact. I have mentioned that only one commission had issued since 1787, and I am now enabled to state the result of its execution. It was fully executed in 1803; and in 1804, a decree was made, and the court was petitioned to confirm it. Exceptions were taken as usual. Much and solemn argument was held, and I will venture to say, from what I know of that court, the case was most learnedly and plentifully debated. In 1808 the matter was deemed ripe for a decision, and since that time it has, to use the technical, but significant expression, "stood over for judgment." For ten years it has awaited this final issue; and during the last four years it has stood at the head of the lord chancellor's paper, first among the causes waiting for judgment. Now, in the language of the profession, "this is my case." If any one tells me that the statute of charitable uses affords a remedy, I answer that the grossest abuses being everywhere notorious, the remedy has only thrice been resorted to for above half a century, and only once within the last thirty years; and I bid him look at the fate of that one attempt to obtain justice.

I trust that the time is now come when parliament will adopt the only measure which can secure a real, effectual investigation of all charitable abuses. For this purpose it is absolutely necessary, that able and active men of business, chiefly lawyers, should be engaged to devote their whole time to the inquiry. They must be persons not only of incorruptible integrity, but of a stern disposition, and inaccessible to the cajolery which oftentimes shut the eyes of those whom grosser arts would assail in vain. They must be easy of approach to all accusers—never closing their ears to suggestion or information, because it may proceed from spiteful or malicious motives, or may denounce abuses too enormous to be credible, or accuse parties too exalted to be suspected—not even rejecting the aid of informers who may withhold their names, as well aware that their office is to investigate and not to judge, and that anonymous, or interested, or malignant sources may supply the clue to guide inquiry; in a word, their propensity, must be to suspect

* Per me si va nell' eterno dolore;
Per me si va tra la perduta gente:—
——— ed in eterno duro
Lasciate ogni speranza voi che 'ntrate!
DANTE.

abuses, and lean towards tracing them; their principle must be, that no man who complains of an evil is to be disregarded, be his apparent motives what they may. It is only by such persons that this measure can be well carried into execution; and I consider the peculiar excellence of its mechanism to consist in the divisibility of the board. The eight acting commissioners are to be separated into four bodies of two each, who move from place to place through the country, and carry on their inquiries at the same time. Thus it becomes hardly possible to appoint mere cyphers, as each individual will be called upon to act almost alone; it becomes equally difficult to waste time in debates of a board, where all can talk and nothing may be done; it becomes certain that a rivalry will exist among the different bodies, which shall detect most abuses or neglects; and even if each body were only to do as much as the large boards usually named for such inquiries, four times more business would be transacted in the same space of time by their multiplication. I confess, that I am very sanguine in my expectation of the benefits to be derived from this part of the measure; I consider it as a contrivance of eminent utility and of universal application; and I trust that no new board will ever henceforth be created without the adoption of this principle.

I have already detained the House much longer than I could have wished, but in justice to individuals whose characters may seem to be aspersed, I cannot conclude without observing, that many abuses exist without blame being imputable to any one. Neglects may be handed down as it were from father to son, until the right course of administration is forgotten. A person may hold funds as his own which some remote ancestor diverted from their proper object, and for many years the existence of the misappropriation may have been unsuspected. Trusts are everywhere found defeated by their originally imperfect construction; most commonly by defective powers of appointment where vacancies arise. And cases have come before the committee, where those who were bound to make payments could find nobody entitled to receive, so that they were obliged to keep the money in their own hands. My decided opinion is, that a great majority of the abuses discovered will be found to consist of these classes, and to reflect no blame on any one, except perhaps the original founders of the charity, who may have been negligent, or their immediate successors, who may have begun the abuses that time has both perpetuated and made innocent by concealing their origin.

It is impossible for me to close these remarks without expressing the extraordinary gratification which I feel, in observing how amply the poor of this country have in all ages been endowed by the pious munificence of individuals. It is with unspeakable delight that I contemplate the rich gifts that have been bestowed—the honest zeal displayed by private persons for the benefit of their fellow creatures. When we inquire from whence proceeded these magnificent endowments, we generally find that it is not from the public policy, nor the bounty of those who in their day possessing princely revenues, were anxious to devote a portion of them for the benefit of mankind—not from those, who, having amassed vast fortunes by public employment, were desirous to repay in charity a little of what they had thus levied upon the state. It is far more frequently some obscure personage—some tradesman of humble birth—who, grateful for the education which had enabled him to acquire his wealth through honest industry, turned a portion of it from the claims of nearer connexions to enable other helpless creatures in circumstances like his own, to meet the struggles he himself had undergone. In the history of this country, public or domestic, I know of no feature more touching than this, unless, perhaps, it be the yet more affecting sight of those who every day before our eyes are seen devoting their fortunes, their time, their labour, their health to offices of benevolence and mercy. How many persons do I myself know, to whom it is only necessary to say—there are men without employment—children uneducated—sufferers in prison—victims of disease—wretches pining in want—and straightway they will abandon all other pursuits, as if they themselves had not large families to provide for, and toil for days and for nights, stolen from their own most necessary avocations, to feed the hungry, clothe the naked, and shed upon the children of the poor that inestimable blessing of education, which alone gave themselves the wish and the power to relieve their fellow-men! I survey this picture with inexpressible pleasure, and the rather because it is a glory peculiar

to England. She has the more cause to be proud of it, that it is the legitimate fruit of her free constitution. Where tyrants bear sway palaces may arise to lodge the poor, and hospitals may be the most magnificent ornaments of the seat of power. But though fair to the eye, and useful to some classes, their foundations are laid in the sufferings of others. They are supported, not by private beneficence, which renders a pleasure to the giver as well as a comfort to him who receives; but by the hard-won earnings of the poor, wrung from their wants, and frequently by the preposterous imposts levied upon their vices. While the rulers of any people withhold from them the enjoyment of their most sacred rights—a voice in the management of their own affairs—they must continue strangers to those noble sentiments—that honest elevation of purpose, which distinguishes freemen, teaches them to look beyond the sphere of personal interest, makes their hearts beat high, and stretches out their arms for the glory and the advantage of their country. There is no more degrading effect of despotism than that it blunts the charitable feelings of our nature, rendering men suspicious and selfish, and forgetful that they have a country. Happily for England, she has still a people capable of higher things; but I have been led away from my purpose, which was only to express my admiration of those humane individuals, whose conduct I have so long witnessed—of whom if I have spoken very warmly, it is because I feel much more for them than I can describe—and whose deserts are indeed far, far above any praise that language can bestow.

Lord *Castlereagh* said, that after the speech, so interesting and so full of information, which the House had heard from the hon. and learned gentleman, he should not long occupy its attention. His speech had been, in the first place, directed to national education, and secondly, to what was the particular object of the bill. The latter subject was that to which attention was drawn, because it was rather their business at present to consider the state of charitable funds, than to enter on any other part of the question. Notwithstanding the statute of Elizabeth, there had been greater abuses in former times than at present; but the natural tendency of all institutions towards abuse required specific remedies to be applied from time to time. The hon. and learned gentleman had insinuated, that much injury arose from the delay of decisions in the court of chancery. In that court it was well known that decisions were founded upon the spirit of equity as well as upon the precedents in similar cases; and a power of deciding quickly, and a power of deciding at the same time equitably, were two great desiderata that seemed hitherto undiscovered. All that the hon. and learned gentleman had proposed was a commission of inquiry, and a report upon the management of institutions for education. He protested, therefore, against the introduction, in making such a motion, of invidious complaints against the court of chancery; for, after all that parliament could do, recourse must be had to the court of chancery. The hon. and learned gentleman could not propose that the commissioners should of themselves decide in all cases of abuse. He went along with the hon. and learned gentleman in thinking that a commission would do great good. They would do good, in the first place, by calling the attention of parliament to the management of funds for education. Individuals who were interested must be impelled to diligent inquiry and active vigilance, by the knowledge that the disposal of the charities which they superintended was under the consideration of parliament. The nature and the amount of the funds would thus be ascertained and directed to their proper object. He went along with the hon. and learned gentleman in thinking that those funds were in some respects public property; at least they were public property so far as that the laws ought to attend to the management; but as they must have been appropriated to specific objects by the original donors, they ought not to be diverted from those objects. If the proposed commission should not be modified differently from its original intention, as he had understood it, he could not give it his support. It was not in any view similar to the naval inquiry instituted by lord St. Vincent. He thought it was much more similar to the inquiry into the administration of education in Ireland, and ought to be similarly conducted. In 1806, a commission had been appointed to inquire into this subject. Of those, six had been named by the lord lieutenant, and five by the corporation of charitable donations. Those commissioners had taken a long time to bring their investigations to a conclusion; for it was not till 1813 that a bill

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had been introduced into the House to regulate the charities which they had been appointed to inquire into. He believed great good could not have been done in a shorter period. That, therefore, was a valuable precedent. When the House should have an account of the funds appropriated to education, they could then legislate for the application of them, better than if they instituted an inquiry and a remedy at the same time. Notwithstanding the enactments of the statute of Elizabeth, those inquiries were not to be rashly taken up; for, as they could not be concluded in a short period, they could not be conducted without considerable expense. He should suggest, too, that, according to the precedent which he had mentioned, men of rank and consideration ought to be named of the commission. The six named by the lord-lieutenant of Ireland had been persons of considerable consideration in the country, and the five named by the corporation of charitable donations had been distinguished as men of eminence. But, much more ought this to be the case in a country where the charities were more numerous, where the funds were much richer, and where the difficulties of every kind to be encountered were much greater. A certain proportion of the commission ought, therefore, to be persons of great station, who, although they should not go into the laborious part of the investigation, could yet be aiding and assisting by their counsel and authority. If the commission were formed of persons not known to the public, it could not be expected that their investigations could be successful, or their report satisfactory. They should, therefore, be partly persons of rank and station, such as he had described, and partly persons who could give the ministerial labours required. He wished the hon. and learned gentleman had mentioned those who were to receive remuneration. He begged leave to say on this point, that it were better that they should come to parliament and receive pay during their labour, as the remuneration could, in that case, be proportioned to their labours. The hon. and learned gentleman had named 1,000*l.*; but as they would have to go into various parts of the country, their expenses must be added to any allowance of this kind. Upon these views of the subject, he should feel great gratification in supporting the bill. The better mode of proceeding, he thought, was, to have the bill printed, and to refer all farther proceedings till after the holydays. He had only farther to say, that as the universities and great schools, which were always in the eye of the public, had been excepted from the operation of this bill, the charter-house ought also to be excepted. No individual in that House could be supposed to have any wish to protect abuses. The hon. and learned gentleman had himself borne testimony to the good management of the charter-house. It ought, therefore, to be excepted, on the same principle on which Winchester and every other great school were excepted.

Mr. *Brougham* said, he intended no insinuation against the court of chancery, but had only expressed his wish, that as much delay would necessarily occur, a receiver should be appointed upon the filing of a bill, in order to prevent farther dilapidation in the funds. A second point on which he had been misapprehended, was that of giving a power to the commissioners to file a bill. It did not require any act of parliament to empower a person to file a bill; but, without such a power, they would be exposed to expenses. He willingly acceded to the proposal to print the bill, and defer farther proceedings till after the holydays.

Mr. *Leslie Foster* stated, that great advantages had been found to result in Ireland from the commission having the power to carry on chancery suits to their conclusion. He apprehended much of the delay in chancery with regard to charitable foundations, had arisen from the circumstance, that there was often no person interested to carry on the suits. The commissioners would supply the want of an actor in these suits.

Mr. *Robinson* thought the school of Harrow should also be excepted, as a few years ago a bill had been filed against the trustees of that school for a misapplication of the funds, but it had been decided by the late master of the rolls, that the present administration of those funds was unexceptionable.

Mr. *Brougham* observed, that if such exceptions were to take place, there was not a charitable fund in the kingdom to which some objection might not be made, and thus the bill would be rendered ineffectual.

Mr. *Peel* confessed he saw much force in the reason given by his right hon. friend for the exemption of Harrow school.

The suit mentioned by his right hon. friend had been instituted from a notion that the school was founded for the benefit of the lower orders. But the late master of the rolls entirely approved of the proceedings of the governors of that school, as being in strict conformity with the will and intention of Mr. Lyon, the founder of it. Surely, therefore, this was a good ground of exemption.

Mr. *Abercromby* said, that if Harrow school ought to be excepted, every school that happened to have been in chancery ought to be excepted. It was no proof that no inquiry ought now to be instituted into the management of a school, that it had been well managed eight, ten, or twenty years ago. It was not becoming in any school to claim exemption; because, if there was nothing wrong, inquiry could do them no injury. On the same principle every school ought to be exempted, unless there should be a specific ground of suspicion. The commissioners ought to inquire into all charities, otherwise the object of their appointment could not be effected. The noble lord had divided the subject into two parts—the inquiry, and the remedy. He must express his hope, that the only remedy was not to be found in the court of chancery. His hon. and learned friend had not represented those charities as public property, any farther than they were intended by their founders. If the commission consisted of persons who were not to take an active part in the investigation, it required no spirit of prophesy to foresee the result. On the contrary, they ought to be persons who would be most persevering in the discharge of a difficult duty. They ought to anticipate every opposition from those who knew every branch of the subject, who were interested in the present system, and who would naturally resist any improvement. They ought to be persons of integrity, activity, and of no other occupation. The noble lord, by some of his observations, seemed to hint that they ought to be gentlemen at the bar. Those gentlemen were, in his apprehension, the most unfit of any; they had the duties of their profession to occupy them, and compared with which they must consider any other employment as secondary. Another class recommended by the noble lord were persons of the greatest respectability, and of high rank. The propriety of appointing an ornamental class of this description he could not perceive. Let them be persons of character, talents, and reputation; but he could not conceive the good of appointing men of high rank; nay, he believed it would be detrimental, because those ornamental commissioners, if not active in the inquiry, must retard the purposes of the commission. They must be persons who will go into the country, and investigate the wills or deeds by which charities were founded, as well as the manner in which they were managed. High rank could be of no advantage then; and if legal advice were necessary, the learned attorney-general would be the proper person. But, above all, he hoped provincial barristers would be excepted. The House and the country were much indebted to his hon. and learned friend for having applied his great talents to this subject, and for the lucid statement he had given this night.

The House then resolved itself into the committee, in which Mr. Robinson proposed the exemption of Harrow from the operation of this Bill. Mr. Brougham opposed this proposition, observing, that if there were in the House any gentlemen who had been educated at Rugby, the exemption of that school also would be proposed, and so on with respect to other schools, until the exemptions would be so numerous as to defeat the object of the bill. Mr. Mills said, that if the proposition for exempting Harrow was adopted, he should feel himself justified in proposing the exemption of Rugby. Mr. Bennet said, that in case Harrow was exempted, he should also propose the exemption of the free school of Shrewsbury. Mr. C. Harvey thought himself warranted, upon the same ground, to propose the exemption of the free schools of Norwich. Sir M. W. Ridley expressed his opinion, that, upon the ground stated, he was entitled to propose the exemption of the free school of Newcastle-upon-Tyne, at which the lord chancellor and his brother, with other distinguished individuals, had been educated. The committee divided:

For the exemption of Harrow ... 30
Against it ... 53
Majority ... —23

The House being resumed, on the motion of Mr. Brougham, instructions were ordered to be given to the committee, to inquire into the state of the education of the poor in Scotland.

The Royal Burghs of Scotland bill was ordered to be read a second time on this day three months.

HOUSE OF COMMONS.

Wednesday, May 13.

MARRIAGE ACT.] Dr. *Phillimore* rose, pursuant to notice, to move for leave to bring in a bill to amend certain parts of an act passed in the 26th Geo. 2nd, commonly called the Marriage act. By the eleventh section of that act the marriages of infants by licence without the consent of their parents or guardians were void *ab initio*, and the ecclesiastical courts were obliged to pronounce such marriages to be void at whatever distance of time a suit for the avoidance of them might happen to be commenced, if both parties were alive. It frequently happened that such suits were instituted after the parties had cohabited for many years, and had had children. In such cases it was scandalous that either of the parties should be allowed to come before the ecclesiastical court to have the marriage annulled. He therefore proposed to amend this part of the law, by an enactment limiting the time within which an application could be made to annul the marriage. The bill which he wished to introduce would contain an enactment, that unless proceedings to annul a marriage solemnised by licence were adopted during the minority of either of the parties, or within one year from the time they attained the age of 21, such marriage should stand as valid, and should not be annulled by any court. There was, besides this, another amendment in the act, which he had been pressed to introduce into his bill. The act requires that banns should be published in the parish in which the parties resided; but it enacted, that after the banns were published, it should not be necessary to prove the actual residence of the parties within the parish. Many abuses took place in consequence of this enactment, especially in populous towns, and in the metropolis, by the banns being published in parishes where the parties did not reside. He therefore intended to introduce a clause into his bill, by which the ecclesiastical court should be empowered to inquire whether the parties actually resided in the parish in which the banns were published, and also enacting, that no evidence on that head should be receivable after the parties had cohabited for one year. He concluded by moving for leave to bring in a bill to amend certain provisions in the Marriage act.

The motion was agreed to, and Dr. Phillimore and sir John Nicholl were ordered to bring in the said bill.

COURTS OF GREAT SESSIONS IN WALES.] Mr. *Jones* rose to move for leave to bring in a bill to alter and amend the practice of the court of Great Session in Wales, and to amend certain parts of it. He felt that this was a late period of the session to introduce such a measure, but he wished to have the bill brought in and printed, that members might have an opportunity of examining it. The committee which had been appointed on this subject had given in a lengthened report on the evils which arose from the present practice of the court of Great Session. To some of these, the object of his bill would be to propose a remedy. The first thing which his bill should embrace was, the giving a power to the court of Great session of issuing subpœnas to witnesses not within its immediate jurisdiction. From the want of this power several evils had already arisen. The next object of it would be to check an evil which was daily gaining ground, and from which great inconveniences had already been felt. He meant the practice of taking out writs of *certiorari* from the court of King's-bench, for the purpose of removing causes thither from the court of Great Session. By this practice, which was a very general one, the most vexatious delays of justice had been occasioned. He should propose, as a remedy for this, that no such writ should be issued, except upon an affidavit on the merits of the case, and a due notice to the other parties concerned. The third object which the bill had, was, to give to the court of session the power of issuing writs for levying fines and recovery four times a-year, instead of twice, as at present. The fourth would be, to equalise the expense of levying a fine and recovery to the cost of such a proceeding in the court of Common Pleas at Westminster. The House was not perhaps aware, that the expense of such a proceeding was at present ten times as great in the court of Great Session in Wales as it was in Westminster Hall. The other objects which he had in view, and which would be embraced by the bill, were, to alter the amount of the sum for which an action might be brought; at present it was 10*l.*, which he considered too low; to compel householders rated at 10*l.* to serve as jurors, as in this country; and to enable his majesty to grant pensions to the judges

in itself sufficient to draw the punishment of parliament upon him. The examinations before the committee were not made with the view of getting any additional proof of Ferguson's guilt, but in order to ascertain whether any other person was concerned in the transaction. The House should recollect, that the name of another individual was first mentioned as connected with the letter. The object, then, of the committee in examining Ferguson was, to ascertain whether he had any, and what authority, for making the offer for which he was now imprisoned. He was aware of the hardship of Ferguson's case, but he could not see how, after the instances which had been mentioned by the hon. mover of similar punishments having been inflicted in so many other cases, the House could dissent from the motion.

Mr. *Denis Browne* said, that as the individual had been already imprisoned, he might be supposed to have been sufficiently punished. As the motion of the hon. gentleman, if carried, would throw Ferguson out of bread, he must give it his negative.

Mr. *Jones* conceived, that when Ferguson was before the committee, if contumacious he might have been sent to Newgate; but he had answered all the questions put to him. Since then, he had not only been punished by being sent to Newgate, but it was now proposed to take from him every thing that he possessed [No, no!]. He understood that he derived his whole subsistence from being surveyor of taxes [No, no!]. He had another objection to this mode of proceeding, and that was, that it would be taking away the benefit of the trial by jury. If convicted under an act of parliament, he would be declared incapable of holding any office under the Crown. But what did they do to him? They first extracted from him a confession of guilt, and punished him by sending him to Newgate, and then they proposed to punish him a second time, by depriving him of his office.

Mr. *Methuen* thought that Ferguson had been already punished severely enough, and that any farther punishment would amount to persecution. At all events, he thought it would not redound much to the credit of the House to visit a humble individual with so severe a punishment as the loss of office, when they had allowed a member of his majesty's government, convicted of the same offence, to escape without punishment.

Mr. *Lyttelton* believed that the House would not suspect him of being inclined to favour bribery and corruption. He could not, however, vote in favour of the motion. He thought that any farther proceeding would be, on all grounds, extremely objectionable. He could not see upon what sound and correct principle the hon. gentleman had moved the address. Did he mean to say that the offence was really deserving of so much punishment; or, if it was, that it ought not to be more certain and more equal in its application than at present? But he would ask him, whether the punishment he proposed would have any, the least, tendency to prevent similar offences? [Hear, hear! from Mr. Wynn.] The hon. gentleman, by his cheers, seemed to imply that, in his opinion, it would. It was a mere matter of opinion, however; and his was, that unless there was a more equal punishment, the use of great severity, in occasional instances, would have the effect of turning the attention of the people to the more vulnerable parts of the constitution of that House, rather than to prevent the character of the House from being liable to suspicion. These were the only obvious reflections that the motion produced. He did not think that any final good consequence would result from it. It would not prevent the repetition of the offence; still less would it have any effect in strengthening or advancing the character of that House in the public mind; and for these reasons, he was inclined to vote for the rejection of the motion. Before he sat down, however, he should make one other remark. If the hon. member meant to ground on his motion any general measure, there might be some greater reason for supporting it, than if, when he had spent his wrath upon Ferguson, he took no farther proceeding. But he had not mentioned any general result whatever, and therefore he could not concur in his motion.

Lord *Folkestone* replied to the arguments of his hon. friends near him. He could not agree with them that it followed, because great offenders escaped, smaller ones should be allowed to plead this escape to secure their own impunity. He fully agreed that the larger offender ought to have been punished, but he could not come to the conclusion, that the smaller one ought now to be permitted to escape. It was contended, that the present offender had been already severely punished. But

this argument should have been urged a little earlier in this business. The question now was simply, whether the guilty man should not be dealt with in the same manner, as by the precedents it appeared others were for similar offences; and whether, after his guilt was recorded, he should not be dismissed from an office under the Crown, which, after what had passed, he was unworthy to hold? By negativing this address, the House would affirm the unconstitutional proposition, that persons holding official situations in the revenue may use the influence these situations gave them in their neighbourhood at elections. If Ferguson was stripped of this influence, he would then merely possess that which he might have either as a writer at Glasgow, or a writer's clerk, for this was his business; and it was evident that he did not depend for subsistence on his tax office, though he, of course, derived his influence from the latter. His offence was a serious one; he had gone to Mr. Dykes, and promised him a place for his vote; he afterwards went to sir Alexander Cochrane's agent to state what he had done, and a letter in furtherance of the bribe had been actually sent to a right hon. gentleman in office, who in answer wrote down to know what situation Mr. Dykes would accept. It was clear, then, that the public situation of the delinquent gave him an influence which it was evident he ought no longer to hold. For these reasons he should vote for the motion. If the House did not sanction it, they would affirm the proposition which he had already stated.

Lord *Binning* said, that the House were aware of the unwillingness with which he offered himself to their notice, but he was anxious on the present occasion to make a few observations. He had been the person who had taken the objection to the motion for the instruction to the chairman in the committee, for moving that address. He had objected to it on the grounds that every individual case should stand on its own merits, and all unnecessary harshness ought to be avoided. On that he had moved the previous question, which was agreed to by the committee, who by that had given a sort of negative to the mode of proceeding in the present instance. His hon. friend had adduced certain precedents, on one or two of which he should shortly advert; and he thought he could show, that scarcely one of them applied to the present proceeding. There was but one case in which a man had been both sent to Newgate and deprived of his office. In considering that part of the subject, he thought the shortest way would be to go directly to the cases themselves. The first on which he should observe was that of the bishop of Worcester, who was lord almoner to the Crown, and who had interfered in an election. The House deprived him of the office of almoner with a salary of 100*l.* per annum. It was only necessary to state the fact, to show the difference between the direct interference of the bishop, and the present case of a poor man, between the reverend prelate interfering in his capacity and the person in question, who was merely led away by his own corrupt zeal to serve his friend. The next case was that of the mayor of Winchester, the returning officer, who had been guilty of threats and such other improper conduct in an election. Had he been sent to Newgate, and afterwards deprived of his office in the Customs? He had been taken into custody, but he had not been sent to Newgate: but they had sent Ferguson to Newgate, and, in his opinion, there was not an atom of ground for depriving him of what was almost his only subsistence. The next case was that of the receiver-general of the county of Stafford. And what had happened to him? He had been guilty of money-bribery at an election, and two members were elected chiefly in consequence of his proceedings. Had the House sent him to Newgate? It had been advised to remove him from his office, and he had been removed; they had taken him into the custody of the serjeant-at-arms, but he had not been imprisoned. The next case was that of a person who had been inspector of the Customs between Berwick-upon-Tweed and Hull. He had engaged to pay annually a part of his yearly salary to a voter, for his vote, for the borough of Haydon. He had not been taken into custody at all; but the Crown had been advised to remove him from his office, which he believed had been done. Another case was that of Mr. Middleton, high-sheriff for the county of Denbigh, for having returned sir John Middleton, contrary to a majority of votes, taken by him upon the poll, contrary to the state of the votes at the close of the poll, without any examination of the voters, and with having presumed to alter the poll, by giving a false colour to the returns. It would be wasting the time of the House

to attempt to show the difference between that case and that of Ferguson. The sheriff had acted partially, unjustly, and illegally. The rights of freeholders, and their most important privileges, were attacked by his conduct. And for such conduct he had lost the situation of receiver which he held, and had been sent to Newgate. It was their duty to meet every violation of the law in such cases with proper severity, in order to discourage such proceedings; and he trusted he should not be taken for one of those who wished at all to relax such severity. He trusted that necessary severity would not be relaxed; but he submitted whether imprisonment in Newgate was not sufficient, if not to prevent such offences, at least to inform that man and all others that they could not play tricks of that kind with impunity? Ferguson had been surveyor of taxes for the county of Lanark for about nine years, and it was no where stated that that was not his main subsistence. The hon. member had referred to acts of parliament, and had said they ought to punish the offence in such and such a manner: but it was coming to a judgment upon inference, and punishing because the spirit of certain laws tended to militate against the offence. His great means of subsistence would be taken from him if he should lose his office. He had 120*l.* a year by that, and he was not a writer as had been stated. He wrote in the office of a gentleman of the name of Campbell, formerly a member in that House. The office was in Glasgow; but how that gentleman came to have a writing office there he knew not, unless it was that he had a considerable quantity of business there which rendered it necessary to keep accounts in that place. Under that gentleman's management Ferguson wrote in his office, he did not know whether permanently or not, and if he lost his office of surveyor, he would be reduced to a situation of extreme penury. With regard to the letter, about which a good deal had been said at the commencement of the proceeding against Ferguson, he believed that it was the conviction of every man, that his noble friend, lord Douglas, had nothing to do with it. The noble lord apologised for detaining the House so long, and concluded by moving the previous question.

Mr. *Brougham* said, with respect to the inquiry in the committee, it was quite decided to his satisfaction, that lord Douglas had not committed any breach of the privileges of parliament. It was necessary that he should state this, as he, for one, when the case was first stated to the House by his noble friend, thought that *prima facie*, there was enough against lord Douglas to call on him to challenge farther inquiry. The result of the inquiry had given satisfaction to himself on this subject. There was no evidence of any interference on the part of lord Douglas.

Mr. *Canning* thought that the measure of punishment had been sufficient. It had been originally in the option of the House, whether they would send Ferguson to prison, or move an address to the Crown for removal from his office. But he thought, as it was, his punishment had been all that justice demanded. A noble lord had tried to make out a case, which, if true would go far to influence a concurrence with the motion, namely, that it had been in his official character that Ferguson had committed the crime. It was true, that being in office he had committed it; but there was no evidence that the influence of the office had been made use of in its commission. There was not any peculiar propriety in apportioning the punishment to particular offences of the kind. There were precedents on which the hon. member relied; but surely he would not say that the peccant part alone of each person had been punished. He would not say that it was as almoner that the bishop of Worcester was punished. He had been removed from his situation as a general punishment, as the only mark of displeasure which the House could inflict on him: and they had given a substantial mark of their displeasure by sending Ferguson to prison. Upon full consideration, after a fair and complete examination, the House had made its option; and therefore, not as it would be a mark of its displeasure, but as it would be the utter ruin of the individual, he could not consent to the motion.

Mr. *Wynn* vindicated the course of proceedings in the present case, as being consonant to the invariable practice of the House. In a court of law, the inquiry was, was a certain person guilty or not guilty? But here the matter for inquiry was, who was the guilty person? In the case of an objectionable publication, it was not enough, when a printer was called to their bar, that he admitted he was the printer of such publication; the House did not stop there, but endeavoured also

to ascertain who was the author, and who was the publisher. The object of the committee, in the present case, was, to ascertain if any higher person was behind the curtain. It would have made a difference in their views, if they had thought Ferguson a tool of some powerful person, but this was not proved. It appeared, however, that he had means of communication with government, and that he was very near getting the office for which he asked. He had been asked by an hon. gentleman, if he intended to follow up this proceeding with any farther measure. To this he should certainly answer in the negative. He did not see the necessity of introducing new measures for the punishment of that for which there was already a sufficient punishment, if the House chose to exercise the powers with which it was vested. He was not surprised at the noble lord moving the previous question. That noble lord had also moved the previous question in the case of lord Castlereagh nine years ago [Hear, hear!]. But, though the House then felt a strong wish to favour the noble lord (Castlereagh), the previous question was negatived almost unanimously. Whether the right of election should be with householders or freeholders, or with whatever part of the community, it was equally necessary to watch over that right, and to punish those who attempted to violate it. Whether we had Septennial or Triennial parliaments, or, according to the reformer* who lately discovered Mr. Prynne to be in favour of annual parliaments as "*Brevia Parliamentiaria Rediviva*," meant "*short parliaments revived*," [a laugh!] we were to have annual parliaments—still it would become the House to watch over the purity of elections, and to punish those who attempted to corrupt them. With respect to reform, the very measure was one of reform. The House had always the power of reforming itself, when it did its duty by applying the existing law to the punishment of offences. It had been said that the House having made the option, and having committed Ferguson, ought not to vote his removal from office. But from the beginning, he had intimated that it was his intention to follow up the motion for commitment with another for removal. He intreated the House to consider that it was no immaterial consideration for them, when they were on the verge of a general election, whether they would visit an offence of this kind with the punishment which would be most severely felt by the individual. They all knew that commitment to Newgate was a punishment, which would soon be forgotten; in fact, it was lighter than remaining in the custody of the serjeant at arms as the daily fees were so heavy, that it formed a much more severe punishment than commitment to Newgate.

The previous question being put, "That the question be now put," the House divided:

Ayes	57
Noes	100
Majority	—49.

Mr. Wynn's motion was consequently lost.

PRINCE REGENT'S MESSAGE RESPECTING THE MARRIAGE OF THE DUKE OF KENT.] Lord Castlereagh presented the following Message from the Prince Regent:

"GEORGE *P. R.*

"The Prince Regent, acting in the name and on the behalf of his Majesty, thinks it right to acquaint the House of Commons, that he has given the Royal Consent to a marriage between his royal highness the duke of Kent, and her serene highness Mary Louisa Victoria, widow of the late prince of Leiningen, and sister of the reigning duke of Saxe Cobourg of Saalfeld, and of his royal highness Leopold George Frederick prince of Cobourg of Saalfeld.—His Royal Highness is persuaded that this alliance cannot but be acceptable to his majesty's faithful subjects; and he has the fullest reliance on the concurrence and assistance of the House of Commons, in enabling him to make a suitable and proper provision with a view to the said marriage. G. *P. R.*"

The House agreed, "to return his Royal Highness the thanks of this House for his most gracious communication of the intended marriage between his royal highness the duke of Kent and her serene highness Mary Louisa Victoria, widow of the late prince of Leiningen, and sister of the reigning duke of Saxe Cobourg of Saalfeld, and of his royal highness Leo-

* "If Prynne did not mean to advocate *short* parliaments, how came he to entitle his treatise on the subject '*Brevia Parliamentaria Rediviva*,' which in plain English is *short parliaments revived*." Major Cartwright's Letter to lord Holland.

pold George Frederick prince of Cobourg of Saalfeld; to express our entire satisfaction at the prospect of this alliance with a Protestant princess of illustrious family, and to assure his Royal Highness that this House will immediately proceed to the consideration of his Royal Highness's gracious message, in such a manner as shall demonstrate the zeal, duty, and affectionate attachment of this House to his majesty's person and family, and a due regard to the importance of any measure which may tend to secure the succession of the crown in his majesty's illustrious house."

IRISH ASSESSED TAXES.] The House having resolved itself into a Committee on the Assessed Taxes of Ireland,

The *Chancellor of the Exchequer* said, it had been supposed in Ireland that parliament was pledged to the repeal of the Window Tax, in consequence of the declaration made by Mr. Corry, at the time he first proposed the tax as chancellor of the exchequer in the Irish parliament, and on subsequent occasions. But whatever had been the original intention of the author of it, nothing then held out could afford a reasonable hope of its repeal at a time when the necessities of the empire absolutely required its continuance as a permanent source of income. The same plea might be put forward for England; but it was well known that many of the customs, originally for the period of the war, had been rendered permanent since its termination, and made a part of the consolidated fund. Parliament could not, in justice to the public creditor, take off the Window Tax, till another equivalent fund was created for the payment of the interest of the National Debt. The fair question was, how much ought Ireland to contribute to the resources of the empire? And if the portion allotted to her at the time of the Union was a fair one, she was now greatly deficient. The produce of her present taxes was far below the charge on her. The charge amounted to six millions and a half; while her income, last year, was but five, leaving a deficiency of a million and a half. He felt, however, that it must be the wish of parliament so to proportion the charge on each country, as would, in the result, be most beneficial to all. In that view, looking to the distressed situation of Ireland for the last three years, he thought it becoming the justice and liberality of parliament to afford her some relief. Of the Window Tax accordingly he was prepared to grant a reduction, and he would very shortly explain the nature of his proposition for that purpose—noticing also the principal alterations he proposed to introduce under other heads. But he must first state, that he had no intention of proposing any alteration in the Hearth Tax. From the Window Tax, which was necessarily felt to be very severe in its pressure, he proposed to make a reduction of 25 per cent, bringing it to what it had been before the last augmentation: since which, he was obliged to allow there had been a continual falling off in the proceeds of the tax. That sprang, perhaps, from the general stagnation in business, which peculiarly affected Ireland—she feeling, in a much higher degree than this country, the loss occasioned by the want of consumption consequent on the war. It might seem that an entirely new scheme was more advisable; but considering the fate of that proposed by the gentleman at the head of the department in Ireland, he was led to believe that an abatement of the tax, as already existing, would give more general satisfaction. By the law, as it before stood, no house in Ireland having less than seven windows paid a duty. It was now moreover proposed, that in houses with more than that number, of which a great proportion was let in lodgings to poor people, 1*s.* a window only should be charged, but with the condition that this indulgence could be granted only in such cases where the windows were used not only for light, but also for the admission of air. Of late years great additions had been made to all the taxes on carriages, servants, and all the rest pressing more peculiarly on the higher orders. The laws imposing them had been looked upon as sumptuary laws, necessary for prohibiting imprudent show and ostentation. On each of these he now intended a great relief, in the hope that diminishing the duty on carriages, would produce employment for the manufacturer, and that a general abatement in the taxes would operate as an inducement to gentlemen of property, now absentees, to reside at home. On all descriptions of carriages a great abatement of duty would be made, but more particularly on one class, which he might call the national one, jaunting cars. The duty on keeping that vehicle, which had been 6*l.* 10*s.* was now to be reduced to two guineas; and he had reason to believe

that that boon would be received with the greatest satisfaction. Having given this short view of the most material alterations he would move, "That it is the opinion of this committee, that the Taxes imposed by former Acts of Parliament on horses servants, carriages, &c. do from henceforth cease and determine; and that the duties specified in the Schedule annexed be substituted in lieu of them."

The first Resolution respecting the hearth duty having been read,

Sir *H. Parnell* said, that it was the regulation for the collection of the hearth tax which had made it so obnoxious to the people of Ireland. For the purpose collecting this duty, a power was given to enter all houses, and take an account of the number of the hearths. If it was said that for many years after the enactment of this tax there had been no complaints respecting this power, he should answer, that there had been formerly much leniency in the collection of the taxes in Ireland, and therefore the power had not been complained of, which now that the laws were rigorously enforced, had been found very grievous. The hon. baronet then read the proceedings respecting the hearth tax in England, in the first year of the reign of William and Mary. The king, in that year, sent a Message to the House of Commons, in which he offered, as he had heard that the hearth tax was grievous to the people, to consent to its regulation and entire appeal. The Commons expressed their admiration and gratitude at this unprecedented offer, and an act was passed to repeal it, which recited the king's message, and stated, that the tax was "not only a grievance to the poorer sort, but a badge of slavery to the whole people," by allowing every man's house to be searched by persons not known to him. He hoped, therefore, the House would dispense equal justice to Ireland, and relieve it from "this badge of slavery."

The *Chancellor of the Exchequer* observed, that he certainly could not object to any argument which proceeded on the justice of applying the same principles of revenue and government to Ireland which had been established in Great Britain. There was, however, a very material difference, in a constitutional point of view, between the present hearth tax in Ireland, and the mode in which it was formerly levied in this country. The collecting officer in Ireland could not enter into every room of a house in order to make a correct return, but was obliged to form an estimate upon a general view, the tenant being obliged to show the contrary if he objected to it. It should be recollected, that if Ireland were relieved from the burthen in question, some equivalent measure, probably in the shape of a house tax, must be resorted to. Much consideration had been given to the question of how far it might be expedient to substitute a tax on houses for the window tax, but he had great reason to believe that the people of that country would not approve of such a commutation.

Sir *H. Parnell* said, that if the Irish hearth tax were repealed, he should not at present press for the repeal of the window tax.

Mr. *Leslie Foster* said, that the hearth duty of Ireland was one of the most ancient taxes in that country, having been levied so long ago as the reign of Charles 2nd. It was also that which had undergone the smallest increase from time to time. Considerable reduction had even been made in it. At the period of the Union, every house having more than two hearths was taxed; but, since the Union, none under four. This regulation went to exempt almost the whole of the agricultural population; for there was scarcely a farm-house which possessed more than four hearths or seven windows. It was in every respect, both with regard to the duty imposed, and the mode of collection, a measure of less severity than that which went formerly by the same name in England. He would ask the hon. baronet, if he was prepared to propose a tax which would press in a lighter degree upon Ireland than the ancient one to which he had thought proper to object?

Mr. *Denis Browne* was not aware of any of the abuses complained of in the collection of the tax. It had been represented as unconstitutional; but he could not call any thing established by law unconstitutional. Should it be abolished, the chancellor of the exchequer must stand up in his place and propose a tax on leather, or some other that would be ten times more burthensome to the lower orders than the hearth tax. He supposed it would be deemed constitutional to throw the burthen from the rich upon the poor [a laugh].

Sir. *F. Flood* was of opinion, that the continuance of such a tax was an indignity thrown on Ireland. When it was

found that such a tax bore heavily in England, it was repealed; but no matter how heavily it pressed on Ireland, still it must be continued. But it was their interest to relieve Ireland as much as possible from her burthens, as the more she possessed, the more she would have to share with England. Ireland ought not to be kept in slavery by the weight of a tax which was in England found insupportable. Ireland had expended her blood and her treasure in the defence of this country, and was entitled to some little consideration. He was astonished to hear Irish gentlemen opposing a measure which was intended to afford relief to their constituents. He thought some of those hon. members would make rather an awkward figure when they re-appeared before their constituents, and had nothing to say, but "I have given a great vote against you when your interests came under discussion"—[Hear! and a laugh].—The continuance of the present tax was a hardship; it was as much as to say, "You, Ireland, shall be kept in slavery, though we relieve ourselves from it, and though the tax we now impose on you was, in the time of king William, declared to be a badge of slavery too oppressive to be borne."

The *Chancellor of the Exchequer* repelled the idea of Ireland being subjected either to oppression or slavery. The measure he was about to propose was for the relief of the people of that country, and was not intended to oppress them.

Mr. *Vesey Fitzgerald* thought it was unfair to propose the repeal of the Irish hearth tax, at a time when England was saddled with Ireland's debts, without offering some other means by which the amount of the tax might be made good. He did not hear that any complaints existed in Ireland relative to the tax, save by the lower classes, and on that ground he had himself the honour of proposing a new regulation. He was rather surprised that, when those taxes, the hearth and window tax, had been raised some time past, neither the hon. baronet (sir H. Parnell) nor his right hon. friend (sir J. Newport) seemed inclined to propose a repeal or a reduction of them; but now, when his right hon. friend proposed a reduction, a total repeal was demanded. He hoped the House would not depart from its duty by any observations relative to the opinions of their constituents. He, for one, should not be affected by such observations. He was aware that he might be considered as bound to support the tax, but those who knew him must be convinced that no consideration could induce him to support a tax or any other measure which he did not fully conceive to be necessary.

Sir *John Newport* was surprised that he should have been alluded to, or insinuations thrown out against him, when he had not offered a word on the subject.

Mr. *Vesey Fitzgerald* declared, that he had no intention whatever of throwing out any insinuation against the right hon. baronet.

Sir *John Newport* said, he must have mistaken the right hon. member with respect to the question before them. He conceived that the tax having been repealed in England in consequence of the severity with which its pressure was felt, might show to the House the impropriety of its continuance in Ireland. He acknowledged that as the tax was to be modified it would not be easy to find out one which pressed less heavily on the people; but as it appeared on the Statute Book that such a tax was an oppressive one, he wished, for the sake of consistency, that the chancellor of the exchequer would raise the annual sum of 40,000*l.* in some other manner. He should, however, protest against that doctrine, which said that no repeal of a tax, however grievous, ought to take place, unless the person proposing that repeal pointed out other means of raising a similar sum.

Mr. *Peel* thought it would be better not to force his right hon. friend to substitute the house tax in lieu of the hearth tax, which must be the consequence of agreeing to the present amendment. The best course would be to continue the old duty until the next session, and then to consider whether some substitute could not be adopted.

Sir H. Parnell having consented to withdraw his amendment, the resolution was agreed to.

The *Chancellor of the Exchequer* then moved, That a tax of 15*s.* per window, be paid on certain windows in Ireland, specified in the schedule.

Sir *John Newport* said, that without then entering into the detail of the window tax, or of the solemn pledges given that it was to be repealed, as it was considered only a war tax, he meant to propose a farther reduction than that proposed by the chancellor of the exchequer. If a reduction of 50 per cent were to be made,

it would be most beneficial to the poor, as it would reduce the tax upon seven windows from 15*s*. to 10*s*. He wished to inform the House, that in comparing the accounts of 1814 and 1818, it was found that no less than one-tenth of the windows of the kingdom of Ireland within that period had been closed up to avoid the tax, and he should appeal to the House whether such a circumstance was not calculated to have a most injurious effect, particularly on the poorer classes, by depriving them of air and light? Taxation in Ireland had within a short period increased with a rapidity which was grievously felt; and, if the taxes of England had increased with equal rapidity, that country, great as it was, must have severely felt the pressure of her taxes. It was stated, that there was a deficiency in the revenue of Ireland; but what was the cause of it? Inducements ought to be held out to absentees to return and reside in Ireland, by which measure there would be means afforded to the poor of procuring employment, and of paying their taxes. If the absentees paid their portion of the assessed taxes in Ireland, the benefit arising to that depressed country would be great. To England the pressure of the taxes in Ireland was very injurious, as Ireland was her best, or at least, one of her best customers. In 1813, the amount of the importation from this country into the different ports of Ireland, including the produce of the woollen manufactories and of the potteries, exceeded three millions, while in 1817, when the effects of taxation were severely felt, it amounted to a sum not much greater than 1,100,000*l*. The right hon. baronet concluded by moving, That the reduction of the window tax should be 50 instead of 25 per cent.

Sir *F. Flood* said, they had now, he trusted, come to their strong ground. By the returns on their table it appeared, that last year the tax had produced 54,311*l*. 6*s*. 2½*d*. less than it had in the preceding year. This was a proof that it was an improper tax, and not likely, at the present rate, to be beneficial. By allowing a reduction of 25 per cent, the chancellor of the exchequer admitted that the tax was heavier than the people could sustain; and, therefore, he trusted the right hon. gentleman would agree to the proposition of his right hon. friend, and lower it in a ratio of 50 per cent. No less than seven millions a year were taken from Ireland; which he conceived to be a sort of income tax. He begrudged, from his heart, the spending of that money in a hostile country, and he hoped every one who went there, from principles of curiosity or dissipation, would be disappointed in their views. The right hon. gentleman had a benevolent heart, and he hoped he would so far extend his benevolence, as to take off another 25 per cent in addition to that which he had already conceded. If he did so, he could assure him, that the people of Ireland would be both happy and grateful for the favour.

Mr. *Peel* said, that if, as had been asserted, the faith of the Irish parliament was pledged not to continue this tax, on the conclusion of peace, then the House had scarcely any discretion on the subject. The legislature ought, as it appeared to him, in that case, to give up the tax. But he denied that this was the fact. When, on a former occasion, a right hon. and learned gentleman (Mr. Plunkett) had argued, from the preamble of the act of 1800, granting this tax; that it was meant to be continued only in time of war, not having the act by him, he was obliged to pass over that part of his statement. The preamble of that act sat forth, that, to support a certain number of men, the window tax was granted to his majesty for a year. This the right hon. and learned gentleman stated—but he forgot to state also, that, by the same act, many other duties and customs, on tea, sugar, wine, tobacco, &c. were also granted. So that if the right hon. and learned gentleman's argument proved any thing, it proved this, that all these duties, as well as that on windows, should be removed at the return of peace—a proposition that could not be maintained by any individual. If there were any intention to repeal this tax, some trace would be found of that intention in the proceedings of parliament. But none such could be discovered. He conceived, therefore, that the argument relative to the good faith of parliament having been pledged, fell to the ground. When he said this, he begged to observe, that he was sure the right hon. and learned gentleman, in making the statement he had done, was not influenced by a desire to mislead the House, but that he had quoted the preamble of the act, believing it to refer alone to the window tax. If it were considered merely as a war tax, it was very extraordinary, that, in the years 1806-7, when the right hon. baronet rendered various annual taxes permanent, and

this amongst the number, he never thought of making a special reservation with respect to it. As to the policy of doing away the tax, it was a subject that could alone be considered by a general reference to the state of the country. Now, in the last year, the total charge for Ireland, interest of the debt, miscellaneous services, &c. was 4,885,000*l.* The total revenue was 4,388,000*l.*, leaving a deficiency of 497,000*l.* This would be increased to a very considerable extent by the reduction proposed by his right hon. friend; and, if a reduction of 50 per cent was agreed to, on the suggestion of the right hon. baronet, the additional deficit would be about 153,000*l.* Supposing, in future years, the finances of Ireland not to increase, this sum, added to the amount of the existing deficiency, would leave a sum of 560,000*l.*—a deficiency of revenue to meet existing charges in Ireland, which must be supplied by remittances from this country. The charge payable in England, on account of the Irish debt, was 4,476,000*l.* That extent of burthen, for which Ireland was pledged at the time of the Union, this country had taken on herself. If to that were added the deficiency in the consolidated fund of Ireland, the whole extent of burthen, for which this country had become liable on account of Ireland, would be found not less than 5,000,000*l.* per annum. What was the amount of the debt of Ireland, previous to the Union, the interest of which was chargeable on the revenue of Ireland? The interest, at the time of the Union, was 1,682,000*l.* The interest of the debt which Ireland at present paid was 1,690,000*l.*, being only a difference of 8,000*l.* between the interest of the debt paid before the Union, and that which was paid at present. The expense of the civil list, the army establishment, &c. of Ireland, was, independent of the debt, 3,100,000*l.*, and the income to meet it was 4,388,000*l.*—leaving the sum of 1,288,000*l.* applicable to the payment of the interest of the debt, and various other charges. Beyond that sum of 1,288,000*l.* Great Britain was bound to make good every deficiency. He did not mean to say, that she had not a right to do so. Undoubtedly she had, as the treasuries were consolidated. But he thought it was necessary to bring the fact distinctly before the House. These were considerations they could not leave out of the question, when they were called on to repeal a tax of this kind. It was useless to say, that his right hon. friend ought to repeal taxes, and also to find a substitute for them—as if he had any more interest in the repeal and application of taxes than any other individual in the country. The fact was, when he was called on to give up taxes, it ought to be considered how the exigencies of the country were to be provided for without them. Let the House recollect the number of taxes parliament had been asked to repeal in the present session. Discussions had taken place on the leather tax, the salt duties, the window tax, and several others. Now, he would put it to gentlemen, when it was stated, a few days since, that the public service required 21,000,000*l.* while the supply to meet it amounted to only 7,000,000*l.* whether they would compel his right hon. friend to give up sources of revenue, which were essentially necessary to the welfare of the state?

Sir *J. Newport* said, that his reason for not making an express reservation with respect to this tax in 1806-7, was, because he knew not, at the time of the existence of any such thing as a war tax in Ireland. No reservation was therefore necessary. He conceived that parliament was pledged, at the conclusion of peace, to remove this impost, whether they made good the sum for which it was said to be pledged by new regulations, or by imposing other taxes. But what he might have done in 1806-7 had nothing to do with the subject under consideration. Whatever his conduct might formerly have been, it could not preclude him from expressing his opinion now, as to that which appeared to him to be best for the public interest. This he should always do, as his conscience dictated, without any view to popularity.

Mr. *James Butler* thought that some other mode of taxation would be preferable to the present; he left it to the fertile mind of the chancellor of the exchequer to devise what; he should only state, that 900 four wheel carriages, and 5,000 two wheel carriages, had been put down in Ireland in the last year. The same amount of taxation might be easily raised where the mode was not unpleasant. He knew a parish in Kilkenny where there had existed the greatest difficulty in collecting tithes, till the rector agreed to take 2*s.* 6*d.* an acre, and afterwards they were regularly paid.

Mr. *V. Fitzgerald* said, it was unnecessary for him to touch on the subject

of the good faith of parliament being pledged for the repeal of the window tax in time of war, that argument having been triumphantly refuted by his right hon. friend. In adverting to this question, if they allowed themselves to be guided by the statements contained in the petitions of their constituents, they would have little discretion left. No man lamented more deeply than he did the accumulated distresses to which different parts of Ireland had been subjected. But, when they were called on to remove taxes, this was not the only point they were to consider; it was for them to look to the state of the empire at large. He admitted that taxation had been laid on in Ireland, to an extent which defeated its object; but when this was complained of, it should be recollected, that, if the system had not been resorted to, the consolidation of the treasuries could not have taken place. He contended that this country had acted most fairly towards Ireland. If the assessed taxes had not been raised to a level, nominally, with those of Great Britain, Ireland would, in the last year, have been chargeable with a sum of 6,800,000*l.*, which England became accountable for, in consequence of the consolidation of the treasuries. When this was the fact, it was not fair to say, that the evils of Ireland were all attributable to the assessed taxes. It had been made a source of complaint, that, while England was freed from seventeen million of war taxes, none had been remitted in Ireland. The answer to this was evident. Ireland, as the right hon. baronet had stated, had no war taxes, and, therefore, could be relieved from none. With respect to the subject immediately under consideration, he should only observe, that the House ought not to act from their feelings, but with a view to a conscientious though painful discharge of their duty. He should support the proposition of his right hon. friend for a diminution of 25 per cent, but he must oppose the motion which the right hon. baronet wished the House to accede to.

Mr. *R. Shaw* having expressed his sentiments fully on a former occasion, did not feel it necessary now to address the House at any length; but he wished to call their attention to the speech of Mr. Corry, the chancellor of the Irish exchequer, when the window tax was first introduced by him, in which it was distinctly stated to be a war tax. So far from the proposed alleviation of the tax being likely to deteriorate the revenue, he felt satisfied that it would increase it. The hon. gentleman, in proof of this statement, quoted the returns, for several years, under the assessed taxes, from which it appeared, that, in every department, as the impost was increased, the sum derived from it was diminished. He felt it would be policy in the right hon. gentleman to agree to his right hon. friend's motion. He had received several communications from Dublin since the debate in that House on the window tax, and had particularly received one that morning from a physician, who stated that the offer which had been made from the board of excise, allowing persons, on application, to open those windows which had been closed to avoid the window tax, and which might be supposed necessary for the promotion of health, had not been generally known, otherwise many more applications would have been made. Besides, as those windows were generally built up with lime and mortar, a certain inconvenience would ensue from taking advantage of this temporary accommodation.

Mr. *Leslie Foster* observed, that no less than five chancellors of the exchequer for Ireland since the pledge was supposed to have been made respecting the removal of the window tax on the return of peace, and although some of them were known to entertain political sentiments very different from those of others, they all concurred in continuing the window tax, without ever supposing that they were violating the faith of parliament. He was convinced that his right hon. friend the chancellor of the exchequer would feel a very sensible gratification in reducing in any way the burthens that pressed on Ireland; and of this a very manifest proof was given in the schedule now proposed, and which gave exemptions to every class of the people who could be supposed absolutely incapable of enduring the weight of the tax. It would not, however, be doing justice to his right hon. friend to confine their view to the window tax alone; for if gentlemen would take the trouble of looking over the schedule of the assessed duties, they would find that the reduction of 25 per cent was extended throughout. The value of this remission, he was convinced, would be duly felt by the people of Ireland, and indeed his right hon. friend would perhaps require rather to justify himself to the English and Scotch members, for not ex-

tending an equal remission to their constituents, than find a difficulty in excusing himself to the members for Ireland for not proceeding farther.

Mr. *Chichester* said, that after what had been stated by his right hon. friend, the secretary for Ireland, of the deficiency which actually existed in the public income of Ireland, it might appear absurd in him to vote for a farther diminution of 25 per cent on the window tax; but as members who had given that opinion, had been repeatedly called on to name any mode of supplying the deficiency thus created, he felt himself justified in the vote which he gave, by recommending to the chancellor of the exchequer a complete revision of the distillery system; as he was convinced that that branch of the revenue might, under due regulations, be made a source of supply for more than was wanted, instead of being, as now, productive in many instances of expense, and in some of much vexation.

Sir *F. Burdett* observed, that he was ready to allow that no charge of want of impartiality existed against the government on the ground of taxation, as they had taken the fullest means to impose taxes upon England, Scotland, and Ireland to the utmost limit of their respective capacities. With regard to the tax then under discussion, the general impression in Ireland was, that it was a tax to continue only during the war; that though no bond was signed to that effect, it was understood that it should determine and cease with the return of peace. But then it was alleged, that it remained unrepealed during the short peace of Amiens, and that therefore, because the Irish people did not betray what was called "an ignotant impatience of taxation," they were not justified at this time in demanding its repeal. That was not, be it as it may, the strongest part of the case. It was a tax cruelly oppressive, barren in the production of revenue, but most fatally fertile in a harvest of disease, pestilence, and death. When the revenue was so trivial, and the direful effects so aggravated and destructive, he could not but wonder at the attempt to persevere. But of all the strange arguments in its support, none equalled that of the right hon. gentleman (Mr. Fitzgerald), who grounded the necessity of its continuance on the generous sacrifices made by England, in taking upon itself to pay the debt, as he called it, of Ireland. That was, in plain words, that ministers had made the people of England pay that debt, which the same ministers had incurred in Ireland. Gentlemen talked of the engagements of Ireland, and of her inability to discharge them. At what time, and under what circumstances, did these engagements take place? Were they not imposed by that foul act called the Union? An act which outraged every feeling of public honour and good faith. At the period of that forced connexion Ireland owed little or no debt. What the ministers had since incurred it was nonsense to call the debt of Ireland. But, forsooth, they were unwilling to press farther. For that determination the country owed them no obligation. They could not extend their taxes, because they had gone to their utmost limit. It was not, as had been said, the duty of the committee to find a substitute for the repeal of a tax. Parliament had a right to demand of the chancellor of the exchequer, before he sought an equivalent, to show that there existed no great sinecures, no unmerited pensions, no large military establishments, maintained for no good purpose. He would tell the right hon. the chancellor of the exchequer that by reducing this tax and other hateful taxes such as that on illicit distillation, he would obtain a substitute, not indeed likely to give much to the exchequer, but which would prevent the necessity of much being taken out of it, namely, that tranquillity in Ireland, which would render a large military force in that country unnecessary.

Lord *Carhampton* expressed his decided hostility to the window tax, but in its place recommended an extension of the hearth tax. He was induced to propose this measure from having known that in Ireland, a running account was usually kept between the landlord and his tenants, in balancing which the unfortunate tenant was never known to see a single shilling in his favour. However, when the hearth tax was more extended, the balance in favour of the poor farmer was usually found to be two shillings, which the unfortunate man had the satisfaction of being enabled to hand over to the tax-gatherer.

Lord *Castlereagh* observed, that nothing could be more painful to the feelings of his right hon. friend and his colleagues in office, than that of imposing burthens upon any part of the people, or more grateful to their wishes than that of al-

leviating the imposts of the people of Ireland, who had of late submitted to severe privations in a manner that highly redounded to the honour of the national character. But unfortunately it was not possible, consistently with their duty, to gratify their wishes to the fullest extent. They had, however, done all that was in their power. But this would not satisfy the hon. baronet. For, according to him, the reduction of places and pensions would enable the government to make still farther abatement. But that question had, he apprehended, been already amply discussed, and the impracticability of any material reduction of the public burthens from that quarter made sufficiently manifest. It, however, suited the hon. baronet still to maintain this language. He who recommended the country to abandon the prosecution of a necessary and glorious war rather than submit to some additional taxation, might consistently advise, with the same professed view, the abandonment of that system which was necessary to secure the advantages of peace. But a great majority of that House would, he was persuaded, come to a very different conclusion, however the hon. baronet might delight in those pictures which he was so much in the habit of laying before that House. As to the window tax, he maintained that the Irish were as much, if not more, able to bear that burthen than the Scotch; and it was besides to be recollected, that the tax could not be said to bear hard on the poor of Ireland, as it never extended to houses having less than seven windows; yet it was now proposed to exempt certain houses from this tax altogether, while it was universally to be reduced to no less than 25 per cent. This amount of reduction was, indeed, to take place in all the Irish assessed taxes. How, then, could it be said that every thing practicable was not done to lighten the burthens of Ireland? It was indeed pretty obvious, considering the exigencies of the state, that if any farther abatement of the taxation of Ireland were adopted, a substitute must be provided in some other part of the empire, or the revenue would become very inadequate; and it would not surely be argued, that Ireland should not bear its fair share of the public burthens. England was notoriously kind towards Ireland, and it would not be equitable that the latter should trespass upon that kindness. With respect to the amount of the debt of Ireland, he was prepared to maintain, that that debt would have been much greater if it were not for the Union; for Ireland must have continued throughout the war to maintain its due share of the public expense, especially as it was the most exposed point of the empire to the attack of the enemy, and consequently its debt would have gone on increasing. It was idle, therefore, to assume that its advanced debt was in any degree owing to the Union; and the gentlemen of Ireland would much better employ their talents and influence in producing this impression upon the minds of their countrymen, than in encouraging that dissatisfaction which was felt in Ireland, as it was but too likely to be felt among any people, with regard to the pressure of taxes. These taxes did not, he contended, bear more in proportion upon Ireland than upon any other part of the empire, while instead of suffering any additional pressure from the Union, she was actually so much relieved by the operation of that measure, that no less than half a million of her proportion of the public taxes was at present defrayed from the resources of England. On these grounds he felt himself bound to take his share of the unpopularity which might attach to the objection expressed against the reduction of taxes proposed on the other side of the House.

Sir *George Hill* approved of the course taken by ministers, and wished to take his full share of unpopularity for voting with them on the present question.

Mr. *J. Butler* rose to rescue the resident gentry of Ireland from the reflection cast upon them by lord Carhampton. He could assure the House, that whatever might have been the practice at other times in Ireland, no such thing as was that night stated, was ever heard of, since the noble lord had sold his property in that country.

The committee divided: For the original motion, 80; Against it, 55; Majority, 25. The several Resolutions were then agreed to.

HOUSE OF LORDS.

Thursday, May 14.

COTTON FACTORIES BILL.] The Earl of *Lauderdale* rose, in pursuance of the prayer of the petition which he had submitted to their lordships some days ago, to move that several persons be ordered to attend on Tuesday next, to give evidence before the committee on this bill.

Four of the persons he proposed to call to the bar were petitioners in favour of the bill. One was the clergyman of the parish, and another, one of the first surgeons in Manchester. As their lordships had agreed to hear counsel, it was proper that witnesses should be in attendance to be ready if called upon. He therefore moved, that the rev. Dr. Black, Mr. Samuel Archer, Mr. W. Simmons surgeon, &c. be ordered to attend on Tuesday next.

Lord *Kenyon* did not conceive that any farther evidence was necessary. The House had before them the evidence taken in the committees of the Commons, and he did not suppose that any thing could occur to alter the opinion which he had already formed respecting this measure. That the evidence already in the possession of the House was sufficient, was an opinion given by most of the noble lords who spoke when the subject was last before their lordships. He therefore thought it would be a waste of their lordships time to hear farther evidence.

The Earl of *Lauderdale* said, that as the noble lord had referred to what had passed in the House when the subject was last under discussion, he should repeat the opinion he had then expressed. He held it to be perfectly competent to noble lords who opposed the bill to refuse hearing evidence, if there appeared nothing in the opening of the case, which, if proved, should induce them to alter their opinion. The noble lord supposed that the time of the House would be wasted in hearing evidence: but how could that be known before the case was heard? It was not possible that the noble lord could suppose the House would determine not to hear evidence in despight of whatever might be stated in the case of the petitioners, for nothing could be more repugnant to justice than such a decision. He could never believe that such a course would be adopted, notwithstanding the noble lord had expressed the intention, not only to himself, but to other noble lords who had great weight in that House. In a letter he had received from the noble lord, it was stated that himself and other noble lords had resolved to resist the examination of witnesses. It appeared to him, however, that nothing could be more unjust than such a determination, founded on evidence taken two years ago.

Lord *Kenyon* said, he had read with great care the evidence now before the House, and was still of opinion that the examination of witnesses would be quite unnecessary. Having formed so strong an opinion on the subject, he did not think it probable that any thing which might be stated on the part of the petitioners at the bar would induce him to alter that opinion. It was in this sense he had stated that he would resist the hearing of evidence. The noble earl had alluded to the circumstance of the evidence having been taken before a committee of the other House, so far back as two years ago. It was to be recollected, however, that the report of the committee was not made until May 1816, and that there was no probability of there being time during the remainder of that session to pass a bill. The events of the last session, and the manner in which parliament had been occupied, would very well account for no bill having then been introduced. Now, however, when the state of the country was tranquil, the bill had been brought forward, and no new evidence had been required as a ground for passing it in the other House. With regard to the time at which the measure came before their lordships, that was a circumstance over which they had no control. But when bills were brought up at a late period of the session, it was not fair to charge with precipitancy those noble lords who were anxious to see them passed. The House had made an order for hearing counsel, but he must repeat, as was intimated in the letter alluded to, that unless something was stated which should induce him to alter his opinion, which he was far from expecting would be the case, he would resist the examination of witnesses.

The Earl of *Lauderdale* said, he had read the noble lord's letter with great care, and the impression on his mind was what he had already stated, namely, that the noble lord was determined to oppose the hearing of evidence, independently of the consideration of any thing that might be stated in the opening of the case. What had happened last year to prevent the introduction of a bill of this kind into the House of Commons, he did not know. He had heard, indeed, that sir Robert Peel had been indisposed; but, notwithstanding all the respect he entertained for that hon. baronet, he could not consider that a sufficient reason for the delay, if the measure were as necessary as its supporters considered it to be. He was, however, authorized to state, by members of the committee of the other House,

that the universal opinion on making the report was, that the evidence had afforded no ground for any legislative proceeding. If the noble lord himself had introduced this bill to that House, he would doubtless have thought it his duty to propose hearing evidence in support of the measure in a committee. Nothing short of that could have been satisfactory to their lordships. How, then, could it be expected that they would agree to pass a bill only upon such evidence as that which had been taken before the committee of the House? Among the persons he should propose to be examined, after the statement of counsel should be heard, were four of the principal petitioners in favour of the bill, and he expected that the facts which would be obtained from them would induce their lordships to pause before they passed this bill. He had read with great attention all the evidence in the report on which the noble lord placed so much reliance, and could show that it abounded with inconsistencies and absurdities.

The motion was then agreed to.

CHIMNEY SWEEPERS REGULATION BILL.] Lord *Auckland* rose, to move that the Chimney Sweepers Regulation bill be read a third time this day six months. He did not at first expect that any thing could have occurred to have induced him to postpone a measure, the object of which was to put an end to a most severe labour so unnaturally imposed on children of a tender age; but the investigation which had taken place in the committee proved the necessity of a delay to which he was reluctantly bound to accede. During the investigation which had taken place, it had been asserted, that there were in this trade many well-disposed persons who treated the children they employed with humanity; but it was at the same time admitted that many, whether instigated by poverty or the desire of gain, were guilty of acts of great inhumanity, and that the unfortunate children employed as chimney-sweepers had often scarcely a home, and when they grew too large for their employment, were dismissed, destitute of any thing to support them, and without any means of rendering themselves useful to society. It had been suggested that these evils might be corrected by a modified bill; but it was his opinion, that the whole practice ought to be put an end to. Abounding as this trade did with so many and such enormous evils, he could not approve of any attempt at modification, which, while it corrected some, would leave others in full vigour. Much had lately been said in that House on the impropriety of imposing restrictions on labour, but he was sure that the affording protection to the unfortunate children who were the objects of this bill could not be called interfering either with a free or a fair trade. What he conceived ought to be the principle which should guide their lordships in a case of this kind was, that no persons should be permitted to impose on others, and especially on children, any labour calculated to injure their health or impair their bodily strength. This was what no individual ought to be allowed to do for his own advantage; and he never could suppose that their lordships would give their sanction to the continuance of a trade in which such a practice prevailed, especially as it appeared that it could be done away with at a very inconsiderable expense. He had been fully persuaded that to convince their lordships that the practice could be abolished was all that was necessary to induce them to agree to the bill. With this view he had entered into the investigation; and it would be found, that though there had been much contradictory evidence, yet that, after all that had been stated by persons of the utmost experience, the preponderance was greatly in favour of the abolition of the practice. In the mean time, an address had been voted by their lordships, for the purpose of causing an experiment as to the practicability of using machinery, to be made by the surveyor-general. That experiment had already commenced on a very extensive scale, and sixty of the most difficult chimnies had been swept without any failure. The result of the experiment would afterwards be considered by a board composed of bricklayers and masons; but it was obviously impossible that this investigation could be brought to a conclusion during the present session. On that account he could not now press the third reading of the bill, but the delay would give farther time to the public for preparations to meet the change of practice, and might smooth many difficulties which otherwise would have occurred. The bill would be introduced early in the next session, with a full confidence of success in the accomplishment

of a measure which would prove not only beneficial to the individuals who were the objects of it, but to the whole community. The abolition of this practice might be said to raise at least one degree in the scale of civilization those who removed from themselves so disgraceful a stain. He concluded by moving, that the bill be read a third time this day six months.

The motion was agreed to.

PRINCE REGENT'S MESSAGE RESPECTING THE MARRIAGE OF THE DUKE OF KENT.] The Earl of *Liverpool* moved the order of the day for the consideration of the Prince Regent's Message on the subject of the Marriage of the Duke of Kent with the Princess of Leiningen. After what had already passed in parliament on the subject of making provision for the members of the royal family who might contract marriages with the consent of the Crown, it would not be necessary for him to detain their lordships with any detailed observation on the present case. He should merely state, that it was the intention of his majesty's ministers to propose to parliament the same arrangement as had already been sanctioned by their lordships in the case of the duke of Cambridge. He then moved an address of thanks to the Prince Regent for the communication, expressing their lordships satisfaction at the intended union, and their readiness to concur in the measures necessary for making a suitable provision for the royal duke.

The Marquis of *Lansdowne* said, he did not rise to oppose the motion; on the contrary, there were some circumstances, and particularly the relation in which the princess named in the message stood to an illustrious person with whom their lordships had condoled on account of a late melancholy event, which must render this alliance very satisfactory to parliament and the country. The noble earl had stated that he intended to propose an arrangement of the same nature as that which had been sanctioned by parliament in the case of the duke of Cambridge; but he thought it due to the illustrious duke who was the object of the message, that from what he knew of the state of his affairs, it was but justice that an increase should be made to his present income. He had suffered considerable embarrassments, but they arose from no improvidence on his part, but solely from his having been left for several years without any provision. It could not be expected of him that he should particularize the embarrassments of his Royal Highness, but it appeared to him proper that their existence should be known. As the increase proposed was the same as that which had already been voted by parliament to the duke of Cambridge, it would doubtless receive the approbation of their lordships.

The address was then agreed to.

ALIENS.] Lord *Holland* rose to make the motion of which he had given notice for copies of correspondence between this and other governments on the subject of Aliens and Passports. He was induced to bring forward this motion partly on account of a bill for renewing the Alien-act being in progress in another House, and partly with the view of bringing under the consideration of parliament the conduct of the Prince Regent's government, with respect to those unfortunate and persecuted persons who were exiled from France. The papers he would move for were necessary to the right understanding of the bill now before parliament, and of the situation of the persons who would be liable to its operation. It was necessary that their lordships should possess the information he called for, that they might not only rightly comprehend the extent of the Alien act, but all the system connected with it. With respect to the Alien act itself, when he considered it in relation to the habits of the country, to the constitution, and to state policy, he could not but seriously disapprove it. Every thing concurred to make him object to that measure; but it was, above all, necessary to consider what was the system intended to be built upon this act, and to be carried into effect by his majesty's ministers throughout all Europe. But if inquiry and deliberation were necessary before, much more were they now necessary, when the persons who brought forward the measure varied so much as to the grounds on which they recommended it to parliament. When he some time ago asked the noble earl, whether there subsisted any engagements between his majesty's government and any foreign state on the subject of aliens, the noble earl answered in the negative. When he again asked whether any intercourse or communication had taken place between his majesty's government and foreign powers, relative to the considerations on

which this bill had been founded, the noble earl replied, that the measure was to be proposed solely on British views. But what had been stated in another place? there it had been declared that this bill was not rendered necessary by any view to our internal security, but for the purpose of defeating the machinations of certain proscribed and wretched individuals, who might otherwise find an asylum in this country, and conspire against the government of France. He did not wish to resort to any special pleading, for the purpose of displaying in any strong colours this discrepancy. It might not be difficult, though with some subtlety, to reconcile the two, it might be said, that it was essential to the interests of this country that the peace of Europe should be preserved—that is was essential to the maintenance of the peace of Europe that tranquillity should be maintained in France, and that it was essential to the preservation of tranquillity in France that certain proscribed individuals should be prevented from taking refuge in this country, where they might plot the disturbance of tranquillity in France. But how did this declaration appear, coming from that statesman who had taken so much merit to himself for the adjustment of the present system in Europe, obtained at the expense of so much blood and treasure? It was a rare acknowledgment, that the fabric he had, by unheard of sacrifices, raised, was after all found to be of so frail and tottering a nature, that if a few wretched homeless individuals should be allowed to breathe the air of England, or find a resting place in any part of this free country, it would infallibly be overthrown. Yet this was the ground on which a new alien bill was proposed; and as our financial policy was to be made to depend upon the transactions of foreign states with regard to loans, so with respect to our police, its regulations were to be made to depend upon the dictates of M. Fouche or M. de Caze, both of whom had been companions of the secretary of state for foreign affairs in his foreign negotiations. Was it consistent with the principles of the British constitution—with the principles of liberty cherished in Britain, that our police regulations should be thus made to depend upon the suggestions of foreign ministers? Yet this was the evident conclusion to be drawn from the measure. If the noble earl opposite dissented from it, did he mean to say that the ministers of the Prince Regent possessed such all-seeing faculties as to be able of their own knowledge to declare whether any foreigner who might arrive in this country was a friend of Buonaparté or the Bourbons? It was evident that they must intend to take the opinion of the French minister on the character of any individual, before they put the law in force against him; and what was this but rendering the laws of this country subservient to the government of France—nay, to the police of France, that establishment (he meant no reflection upon the individual holding the office, his remark applying generally to that department of administration), which had proved itself through the various stages of the revolution the most abandoned and the most unjust that ever disgraced even the most arbitrary monarchy. But it had been said somewhere else, that it was owing to the want of an alien law in the Netherlands, that persons had been enabled to conspire there, and that the late atrocious attempt had been made at Paris. He did not consider this argument in itself as worth powder and shot; but the fact was, unfortunately for those who used it, that for two years whilst there had been no alien law in the Netherlands, no such attempt had been made, and it was only since that period, when an alien law had been enacted, that it had occurred. But how had it happened that an alien law had at length been enacted in the Netherlands? Was it the fact, that it was only at the repeated instigations of the British government that such a law had been resorted to? Was it the fact, that the king of the Netherlands had at length, in contradiction to his own better judgment, found himself compelled to adopt such a law? What then became of all the pretences of the Alien bill not being a measure concerted with foreign powers? If it was found that the Alien act was not passed for the security of Europe, but from that meddling policy in which England had lately engaged herself; if it was found that, after evincing an ignorance of what had been the policy of every state of Europe, after having forced the title of king on the sovereign of the Netherlands, who had too much good feeling and good taste to wish for the appellation himself, we, the great restorers of Europe, who boasted of having recovered its independence, were performing the obscure duty, and following the base arts, of a

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petty minister of police, after deserting the great principles of the former government of the Netherlands; it was highly necessary that the House should be acquainted with the grounds of such a proceeding. That we had compelled the king of the Netherlands to adopt this policy, in direct contradiction to that which had been the uniform policy of Holland, and under which that republic had flourished, and greatly increased in prosperity—that the principles of the Netherlands had once been the very opposite of those now pursued was clear from the statement of one of the great writers of this country, who knew those principles better than any other person—he meant sir W. Temple. In tracing the prosperity of that country, he had said, "that the object of its government had been to make that country the common refuge of all miserable men; that this was a principle from which no treaties could move them. Even during their dependence on Henry 4th of France, all persons banished from that country made Holland their refuge." Those refugees, too, were connected with what was called the French party in Holland, so that there was particular objection to them. He need not point out the advantage of such a line of policy. So strictly had it been pursued by Holland, that when in the time of Charles 2nd the earl of Shaftesbury (a remarkable individual who had done much good, and of whom it was impossible, therefore, to speak without respect, though some of his measures were of a dubious character) was forced to fly, where did he take refuge?—in Holland; he who had terminated every speech with "Delenda est Carthago," as applied to Holland. Could there be a stronger proof that it was a fundamental maxim with that government to receive all who sought their protection. But his majesty's ministers, it seemed, had discovered a new system, and notwithstanding the dictum of William 3rd, which stated that country to be too small to maintain a large army, and too weak to repel a small one; after acting in defiance of that policy, and in opposition to what had been laid down by De Witt; after doing what they had deprecated, and dividing the Spanish Netherlands between Holland and France, they proceeded to call on the former kingdom to depart from the principles that had made them a great state. The whole conduct of ministers, indeed, with regard to the Netherlands, had betrayed the most lamentable ignorance. The monarch of that country, who deserved every praise, who was actuated by the best disposition, the most sober judgment and the soundest principles, had been forced to assume the title of king; and contrary to the opinion of the wisest statesmen, the Netherlands and Holland had been united under one government. These were the grounds on which he thought their lordships were entitled to have the papers for which he intended to move. The progress of the Alien act had certainly brought the subject to his mind, but he called for these papers exclusively of that consideration. If their lordships agreed for their production, they would find that our foreign ministers were employed in hunting out a few miserable men, and marking them for destruction; that we were using our influence with all foreign governments to check every notion of liberality. He said this with reference to what fell from a noble earl opposite during the late war. After Napoleon had committed that atrocious and unjustifiable act, the invasion of Spain, the noble earl said that the war had assumed a feature (this word, then very fashionable, had since gone rather out of use), different from what it had ever done before; that it became a war of the people; that the successes afterwards obtained over Napoleon arose from the indignation of the people of Europe, and that our best hope was in the concurrence of the people. This was justly and properly said, but was the opinion of the people to be now considered as nothing? Did the noble lord now think that it was of no importance to have the concurrence of the people in our foreign policy? How did it happen that, go where you would, after these liberators and allies had so long managed the government of Europe, England was represented as being more emphatically opposed to liberty on the continent than any other nation? How happened it that even in comparison with a state which it might be imagined was not the most favourable to liberal constitutions, he meant Russia, this country was considered as the most inimical to freedom and liberality?—Was it nothing that the opinions of the people throughout Europe should be enlisted against us? Was the noble earl so thoroughly persuaded of the stability of the system he and his colleagues had completed, that he conceived there

was no possibility of war—of war, the theatre of which might be that country to which the present motion referred? Should such a war occur, would it not be of some importance to us to have the people of that country our friends? Did he not think he was carrying this farce of inference too far, for the sake of him who had been called no other than the constable of the peace for France?—Why resort to measures which tended still more to disgust the people of Europe with that policy which had emanated from the congress of Vienna, and had afterwards been confirmed by the congress of Paris? At any rate it was time for parliament to know the whole of the system, and to see whether this country had the strength, the power, and the will to put it in force. He should therefore move, "That an humble Address be presented to his royal highness the Prince Regent, praying that he would be graciously pleased to have laid on the table of the House Copies or Extracts of all Correspondence that may have taken place since the 22nd of November, 1815, between his Majesty's Principal Secretary of State for Foreign Affairs, and the Ministers of any Foreign Powers, respecting the Treatment of Aliens in this country; also, Copies or Extracts of all Correspondence that may have taken place since the 22nd of November, 1814, between his Majesty's Principal Secretary of State for Foreign Affairs, and the British Ambassador at the court of the Netherlands, relating to the granting of Passports to any persons not being subjects of the United Kingdom, or natives of any of the States of the Netherlands."

The Earl of *Liverpool* said, he felt it imperative upon him to oppose the motion, as being wholly unnecessary in any view of the subject to which the Alien bill related. The noble lord had admitted, that the Alien bill had been in some measure the occasion of his thus addressing the House; and he (lord L.) had before explicitly stated, that that measure had not been adopted in consequence of any communication with foreign powers, but because it was expedient for the safety of this country. Whenever that measure should come before the House, he should be ready to show the expediency of it; but this was not the time for so doing. The noble lord had thought proper to connect the flight of certain persons to the Netherlands; but that this measure had any relation to negotiations, or concert with the government of France was altogether negatived by the fact, that under the last Alien bill only three persons were sent out of the country, and of those three not one of them was sent away upon any ground that had the least relation to the affairs of the government of France. How, then could it be argued that this measure was at all connected with the police of France? This, however, was not an occasion for entering into the grounds of an act passed two years ago, or which was now again introduced; but he had no hesitation in saying, that it was necessary that such a measure should exist; and when he said exist, he did not mean to apply the word exactly to an alien bill, because he was prepared to contend that, by the common law, the Crown had the power of sending aliens out of the country; but it was necessary that facilities should be afforded to the executive government to send aliens out of the country with as little delay as possible.—It was essential that such a power should exist in the present state of the world, in order to prevent any danger that might arise. We must look at the state of Europe; and if alien laws were in operation amongst foreign powers, and under them they chose to send all aliens out of their territories, were we to receive all the desperate and profligate characters of Europe, without having the means or the power of getting rid of them? He certainly thought it most fit on British principles, that government should have this power. He should not enter into the detail that the noble lord had given of the former policy of the Netherlands; but he would assert that this government had never interfered with any other in the fair exercise of their legitimate powers. The noble lord had complimented the sovereign of the Netherlands, and there was, indeed, no one more deserving of panegyric; but when the noble lord alleged that we made him a king, he must refer the noble lord to the acts of that state, and he would there find that it was the voice of his own people that occasioned his elevation. As to the objection to annexing the Netherlands to Holland, this was not the time for entering on the question; but he had no difficulty in stating (without disputing the authorities quoted, or their applicability to other times), that, for the interest of Holland, the Netherlands, and Europe, no arrangement could have been more

wise. The union of Holland and the Netherlands had been approved of by all the statesmen of Europe who had the means of judging of its policy; and he was satisfied, that no people could be more attached to their sovereign than the people of the Netherlands were to their king. Every body knew what that attachment was before the French revolution; but, even now, there was no country where the people were more attached to their sovereign. They had the advantage of enjoying their own laws and privileges, and a free constitution, he would say, materially improved. It had unquestionably been the policy of Holland and this country to receive oppressed persons from whatever country, and much of our prosperity in commerce and manufactures was attributable to this system. He hoped that such would always be our policy. Undoubtedly, he thought it wise to give an asylum to persons flying from their own country on account of their not being allowed the free exercise of their religion, or on account of political persecution; but, surely, some discrimination was to be allowed.—Hospitality was an excellent principle to act upon; but, was it to be contended, for instance, in the case of an individual, that, because he was hospitable, that therefore he was to receive all the bad characters who chose to obtain access to his house? And was it to be contended, that, because a state acted generally upon the principle of giving an asylum to foreign refugees, that therefore it was to receive indiscriminately the bad and good, that because industrious individuals were sheltered from persecution, that therefore all the thieves, villains, and murderers, in Europe, were to be received and sheltered without the slightest distinction? Were we to open our doors to the worst and most desperate characters? Were we to be precluded from sending out men tainted with every species of crime? for to that extent did the noble lord's reasoning go. We were not to open our doors to foreigners, except under condition of admitting thieves and villains of every description. The power of excluding such persons had been admitted in every system of international law, and by treaties stipulating to give up offenders, and call municipal regulations in aid of such stipulations. Whether such a system, and such treaties, were wise or not he should not now inquire, but he adduced this as an argument to show that the principle had been acted on. He thought that the noble lord had made out no case to justify the address proposed, and he must therefore refuse his concurrence.

The Earl of *Carnarvon* said, that the view with which he supported the motion of his noble friend was to ascertain the real object for which the Alien bill was to be again obtruded on their lordships. The reasons advanced by the noble earl did not go to justify such a measure as was in contemplation. If the danger against which it was designed to provide arose from any thing in the policy of other countries, as affecting this, it should be stated. If the measure was grounded on that power of exclusion, said to be universally claimed as a right by other nations, the extent to which such a principle must go, would lead them far beyond the intended measure. Instead of sanctioning a temporary Alien bill, it would call for a perpetual enactment. He could not agree that it was a necessary consequence of present circumstances, that other nations who had an alien act should send their offal here; but if they should, was this the danger that we were to apprehend—that persons of this description would inundate the country, and make an attack on our own constitution? If so, what was the consequence? Not that the present Alien bill should be a temporary measure, but that it must last as long as there should be any one despotic power in Europe. In passing a temporary alien bill, they must have some reference to temporary circumstances. He would not say that circumstances might not exist which would justify such a measure as had been alluded to, but without such information as was called for, they must go to discuss the Alien bill on its own naked merits. Upon those grounds it was not difficult for him to anticipate that he should object to the bill; but for the present he should confine himself to the question before their lordships, which, for the reasons already stated, had his cordial support.

Lord *Holland* made a short reply, in which he stated, that the intention of his motion was merely to show the object of the Alien bill, and had no reference to the number of persons who were sent out of the country. Many opportunities, however, would occur for the discussion of the Alien act, when he would take upon himself to show, that it was a most inhospitable measure; and that honest men were

exposed under it to the same inconvenience as persons of the most abandoned principles. The noble earl had entirely misunderstood him when he supposed him to assert that the people of Holland were disaffected to their government. He believed the fact to be that they were contented under their present government; he had only denied that it was the wish of the king of the Netherlands to depart from the ancient form of government. Of this he was sure, however, that a measure like the Alien bill was not likely to ingratiate this country with the people of Holland.

The motion was then negatived.

HOUSE OF COMMONS.

Thursday, May 14.

PETITION OF WILLIAM COBBETT.] Lord *Cochrane* said, he held in his hand a Petition on a subject as interesting as any that had ever been considered within the walls of that House. It proceeded from an individual who had been induced to exile himself from his country in consequence of those notorious and flagrant acts of spies and informers, by which the legislature had been excited to adopt the measures of the last session of parliament. This petition referred to two documents—affidavits sworn before the mayor of Philadelphia, whose hand-writing was attested by the British consul. One of those affidavits was signed by William Stevens, a person who was implicated in the various transactions that had induced parliament to consent to the suspension of the constitution; the other signed by Charles Pendrill, who was also implicated in the same transactions. These affidavits placed the whole matter in the most clear and explicit point of view, showing that those transactions were attributable to the machinations and efforts of the spies and informers, and chiefly of Oliver. They described indeed such practices on the part of Oliver, that he was persuaded the House would feel it incumbent on them to institute an inquiry into the subject. The propriety and necessity of such an inquiry was obvious, and he trusted that ministers would not oppose it. He would add, that the petition was exceedingly respectful; perhaps, indeed, the most so he had ever had the honour to present. It was from a great political writer, who had thought it necessary to leave the country when the suspension of the Habeas Corpus act was in the contemplation of the legislature. It was not necessary for him to enter into the subject matter of it, but it prayed the House to take into consideration the annexed public documents. It stated various matters; and among others the conviction of the petitioner that it was in the contemplation of ministers to establish a kind of superintendence or censorship over the press.

The *Speaker* observed, that the noble lord was, perhaps, not aware that the appendix containing the affidavits could not with propriety be presented. The House might receive the petition, but would not receive any appendix. He thought it important to mention this to the noble lord at present, as, if he had rightly collected the tenor of the noble lord's observations, the noble lord had referred to papers annexed to the petition. It would be for the noble lord to consider how far the petition itself would be intelligible without the affidavits.

Lord *Cochrane* replied, that he would not say that the word "annexed" occurred in the petition, although it certainly referred to the affidavits to which he had alluded.

The Petition was then brought up, and read by the clerk. It purported to come from William Cobbett, of Botley, Hants, now residing at North Hampstead, in the state of New York, and dated March 7, 1818. He stated his feelings of veneration for the numerous acts of justice and liberality performed by the honourable House, and prayed with all humility to approach the sanctuary of the laws. He prayed for their consideration of the effects resulting from the artifices of spies, informers, and designing men, and prostituted lawyers; and lamented the consequence of the House deferring their conscientious consideration of the important matters about which the documents would give some communication. He had met two of his countrymen in Philadelphia, who had related much of the practices of Oliver, the spy. They had drawn up their statements voluntarily and authenticated them upon oath before the mayor of Philadelphia. These statements they delivered to the petitioner, who now presumed to submit them to the House, and to place them in their undefiled hands for proper examination. The petition made some strong remarks on the conduct and language of Mr. Cross, on the Derby trials, and on the notorious colonel Fletcher, who attended a meeting at Manchester. After the exe-

cution of Brandreth, he observed that it was stated in two ministerial prints, that there was an intention on the part of government to check or stop the publication and circulation of a certain description of writings. He had thought it his duty to the House and the country to submit this petition with the documents added to it, especially as the latter were drawn up voluntarily. The persons who signed them were not at present in want of subsistence; what they required they could obtain by their industry, under the protection of a free country. The petitioner concluded with praying, that the House would retrace its steps, and inquire into the origin of the events which led Brandreth and his companions to the block.

On the question that the Petition do lie on the table,

Mr. *Bathurst* observed, that he was one of those who were disposed to throw the doors of the House wide open to the petitions of the people. But if he correctly understood the object of this petition, it did not complain of any grievance which the petitioner had personally suffered, but called on the House to take up, generally, the consideration of a subject on which the petitioner had himself formed an opinion; which opinion was founded on certain affidavits annexed to the petition, from persons who, for reasons best known to themselves, had left their country, and who stated circumstances within their knowledge, affecting the general administration of justice. This was a description of petition utterly inadmissible. But if it had not been so; if the petitioner had made any personal complaint, still he must have objected to the reception of the petition, involving as it did, a libel against a most respectable individual, who had excited general admiration by his talents, firmness, and judgment—he spoke of Mr. Cross. Because Mr. Cross happened to state that his unfortunate clients had, among others, been the victims of inflammatory publications, the petitioner arrogated to himself that he was the individual alluded to as the author of those publications, and took the opportunity of libelling the gentleman in question, and ascribing to him the most improper motives. The petition also contained another libel on colonel Fletcher, a most respectable magistrate in the county of Lancashire. The circumstance, however, that the petition complained of no grievance personal to the petitioner, was, he was persuaded, quite sufficient to induce the House not to receive it.

Lord *Cochrane* said, that he considered the petition as being respectfully worded, and that the matter it contained was of high importance. He had, therefore, thought it his duty to present it, that the circumstances to which it adverted might be again brought under their consideration. He had, however, no objection to withdraw the petition on account of the word "annexed" being used in it as applying to the documents; but which he had not before noticed. He would do so, not from any certainty that another petition would be presented by the present petitioner, but to give the earliest intimation to the two persons who had made the affidavits, that their way of proceeding had been irregular, so that they might adopt a preferable mode. For himself, he thought that if the government valued their own character at home, or in the eyes of all the world, they would embrace any opportunity of investigation for clearing away the the scandal.

Mr. *Wynn* wished to know whether the petition itself would be entered on the Journals.

The *Speaker* replied, that the fact would shortly be stated, that such a petition had been offered, and allowed to be withdrawn, but nothing more.

Mr. *Wynn* was glad to hear that, for he should have objected most strongly to allow charges against individuals, of the nature of those comprehended in the petition, to appear on their Journals, the House not having the power to punish the man by whom those charges were brought forward.

The Petition was then withdrawn.

COMMISSARY COURTS IN SCOTLAND.] Lord *Archibald Hamilton* rose to make his promised motion for the Correspondence between the Home Department and the Commissioners of Inquiry into the Courts of Justice in Scotland, respecting the Commissaries and the Commissary Clerks. The noble lord said, that his object was not general, but principally confined to the county which he had the honour to represent. His complaint was, that offices, the abolition of which had been strongly recommended by the commissions appointed to inquire into them, had nevertheless been filled up by government, and that they had been filled up for unconstitutional purposes. In conse-

quence of proceedings in parliament, a commission had been appointed to inquire into the courts of justice in England, Scotland and Ireland, certainly against the inclination of government, as the inquiry affected Scotland at least; and their hostility had not subsided; for although a report from that commission was made four years ago, no single measure had been founded on it with respect to Scotland. That had not been the case with those parts of the report which related to England and Ireland. Why Scotland alone was omitted he was at a loss to conjecture. Although the commission appointed for the purpose had, after the investigation of the inferior commissary courts, recommended their abolition, ministers had nevertheless since thought fit to make appointments in those courts. They had also utterly neglected the recommendation of former commissions on the subject. The commission appointed by royal warrant in 1808 had stated, that in their opinion the proceedings before the inferior commissary courts were unnecessary and inconvenient, and that the business should be transferred to the sheriff's courts. In pursuance of the recommendation of the former commission, the late Lord Advocate introduced a bill into the House expressly for the abolition of the offices of the commissary clerks; but in consequence of some informality in the details, it did not receive the sanction of the House. It appeared, that notwithstanding the recommendation of the commissioners to abolish the office of commissary clerk, and that that office in the county with which he was connected, had been filled nearly two years, by a gentleman appointed by the court of session, and who, on the abolition of the office, would have been entitled to no compensation, his majesty's secretary of state named another person to that office, whose appointment was for life, and who, on the abolition of the office, must receive a suitable compensation. This appointment he believed to have been made merely to serve election purposes. His majesty's ministers had it in their power to convict him of making an erroneous assertion by assenting to his motion. The office had been bestowed for the sake of adding to the number of freeholders in the interest adverse to his (lord A. H.'s), in the county of Lanark. The appointment was not only made in opposition to the representation of the commissioners, but sir Ilay Campbell, the head of the commission, wrote particularly to the home department on the subject. The home department was also warned against this appointment, in a memorial from that part of the country. On what justifiable principle could his majesty's ministers, in opposition to such powerful recommendations and admonitions, make this new appointment for life, which entitled the receiver of it to compensation on the abolition of the office, when it was already filled by a person who, on its abolition, would have been entitled to no compensation? The noble lord concluded with moving, "That an humble Address be presented to his royal highness the Prince Regent, that he will be graciously pleased to give directions that there be laid before this House, a Copy of any Letter, or the Substance of any Communication that may have been made by the Commissioners for inquiring into the duties and emoluments of the officers, clerks, and ministers of justice, of the courts of Scotland, or by any one of them, to the secretary of state for the home department, relative to the inexpediency of filling up any office in the Commissary Courts:—"Also, a Copy or the substance of any similar communication that may have been made to the secretary of state for the home department, from any of the commissaries, or commissary clerks, of the said Courts."

Mr. *Bathurst* said, that as far as he could collect the meaning of what had fallen from the noble lord, his first object seemed to be a complaint against his majesty's ministers, for not carrying into effect by some legislative measure—for that was the only way in which they could be carried into effect—the suggestions made by commissioners appointed to inquire into the offices of the courts of justice in Scotland, to abolish certain offices in that country. How far ministers were bound, more than any other members of the legislature, to propose to the legislature any measure for giving effect to any suggestions of this description, was a question into which he did not then mean to enter. But it was obvious, that when a charge of misconduct was brought against any public officer, it was necessary to show that he had been guilty of a violation of some existing law. The next charge was, that an appointment had taken place to an office, which office had been recommended to be abolished by various persons. The next charge was, that such appoint-

ment had not only been made improperly, but made corruptly, with a view to certain election purposes; and that his noble relation (lord Sidmouth) had been applied to on the subject by a right hon. friend beside him (Mr. W. Dundas), on whose recommendation the appointment was made. With respect to the nature of the office in question, he could not be supposed to be acquainted, and what he was about to state, was communicated to him by a learned lord now absent. He had been told, that the commissary courts in Scotland were of the nature of our inferior ecclesiastical courts, and that without them, among other things, no probate of a will could be obtained. He had been told also, that the business of these courts could not be carried on without a subordinate officer, called a clerk. The usual course on the death or resignation of any of these clerks, was for the court of session to take on themselves the appointment of a clerk, *ad interim*, to discharge the duties of the office, till government had time to appoint a successor. This appointment of the court of session, which had not the right of patronage, took place for no longer a period than till the pleasure of his majesty's ministers could be known. This office was one, which the person legally appointed to ought to hold *quamdiu se bene gesserit.* — Thus much with regard to the nature of the office, and the necessity there was of some person being appointed to it. The noble lord had stated truly, that a bill was brought in by a late Lord Advocate for the abolition of the office; but that bill did not receive the sanction of parliament, and how this failure could support the noble lord, he was at a loss to know. It was true this abolition had also been recommended by the commissioners; but he was informed that great objections existed as to the transfer recommended by these commissioners. Not only the bill he had alluded to, but another had been brought in for the abolition of commissary courts; but neither of them had received the sanction of the legislature. The vacancy in the present case had been filled up according to the principles of the constitutional law of Scotland. The court of session could only appoint *ad interim*, and an *ad interim* appointment could not be construed to extend to all possible time—till parliament in its wisdom should find some other way of disposing of this office,—till some future parliament should decide whether it should be kept up or abolished. Admitting, therefore, that a representation had been made by the whole board, or by any of the commissioners, to the secretary of state for the home department, not to fill up any vacancies in this office, this would not carry the case a bit farther. But he owed it, in justice to his noble relation to say, that no representations whatever had been received by him from the board, or from any individual of the board on the subject. If he understood the noble lord right, there was no complaint against Mr. Dunlop, or any other individual named by his noble friend, as improper persons for discharging the functions of the office. If the noble lord thought he had any ground for attributing corrupt motives to his noble relation, why not bring forward a charge against him? He had the return of the dates of the different appointments. He understood that at the time the appointment in the county with which the noble lord was connected took place, the person so appointed had no vote whatever in the county. The noble lord had dealt in nothing but loose conjectures. In conclusion, he begged leave to state, that there were no such papers in existence, as those for which the noble lord had moved. That was a sufficient answer to the motion; but he wished chiefly to rest his opposition on principle.

Sir *John Newport* said, with respect to the Scotch commissioners, he had to state his perfect and entire approbation of the proceedings of the gentlemen on the commission. He believed that they had done their duty fairly and honourably; and if ministers did not choose to carry their views into execution, they were not answerable. The right hon. gentleman had been pleased to say, that his majesty's ministers could not be considered more bound than any other members to carry the views of these commissioners into execution. But it would be in the recollection of the House, that when he took the liberty of calling their attention to the indisposition shown by the ministers of the Crown to carry the views of the commissioners into execution, a noble lord opposite said, it was very unfair to prejudge his majesty's ministers, and not to leave them sufficient time to carry into execution the recommendation of the commissioners. He had stated thus much, because, if ministers did not choose to carry into execution the recommenda-

tions of the commissioners; and if, on the other hand, they endeavoured to prevent other members from carrying those recommendations into execution, it was perfectly useless to appoint any such commissioners. He had great pleasure in stating, that, very much to the credit of the government of Ireland, the recommendations of the commissioners appointed to inquire into the courts of that country, had been acted on to the great benefit of the public. With respect to the subject of this motion, he would leave it to gentlemen more conversant with the subject than himself. He would only say, that ministers, in filling up an office of which parliamentary commissioners had recommended the abolition, had been guilty of a high abuse of authority.

Mr. *W. Dundas*, in answer to the complaint of the right hon. baronet of the inattention of ministers, in not bringing forward sooner some measure for carrying into execution the views of the commissioners, stated, that the report of the commissioners had only been presented in February last. Were ministers to be arraigned because they did not choose to abolish, hand over head, an office of so much importance as that of commissary clerk. To find a substitute for the commissary courts would be attended with considerable difficulty. Ten years ago, the abolition of this office was recommended: two years afterwards a bill was brought in for that purpose, but it did not pass. Was the Crown not to exercise the right of appointing a legal officer, till parliament thought proper to pronounce an opinion whether that office ought or ought not to be abolished?

Mr. *J. P. Grant* said, it was not possible for any person who would look at the circumstances which were admitted to have occurred, without concluding that the office in question had been filled up for the purposes of a job, in some quarter or other, to entitle the person who was thus unnecessarily nominated to an office for life to a compensation to which he would otherwise have had no claim. Four years before the appointment of the commission a bill had been brought in by his majesty's government to abolish those offices, which, on account of some objections to the details, had been rejected. The abolition of those offices had been approved of by the heads of all the courts of justice in Scotland. Commissioners had been appointed to inquire, (among others), into those offices, and had reported that they should be abolished; yet pending this inquiry the *ad interim* officer was displaced and a person appointed for life, who, it was certain, would in a year's time be removed, and to whom, on that account, a compensation would be granted. The appointment by the court of session, it was said, was equivocal. It was not equivocal; it had been submitted to from time immemorial, and was perfectly legal. It was said also, that it was an anomaly to appoint a judicial officer *pro tempore*. But the officer in question was the commissary clerk, not the commissary—a ministerial and not a judicial officer. What object, therefore, was there in continuing an *ad interim* appointment which had already continued two years, unless the sinister object of giving a person a claim on the public money for political purposes? He cared nothing about the politics of the county of Lanark as connected with this subject. The question was, whether the House of Commons and the country had been properly treated in this profuse waste of the public money? It had been said that no letter such as that which had been moved for had been received by the secretary of state. What objection, then, could there be to a return which would set that question at rest? If the motion was refused, he was constrained to believe there had been such a letter.

Mr. *H. Clive* was of opinion that the appointment was perfectly just. The report was made on the 27th of June, and the individual was appointed by lord Sidmouth on the 12th of March preceding, so that his lordship must have been ignorant of the intentions of the commissioners with respect to those offices.

Lord *A. Hamilton* in reply, observed that his arguments applied, not to one office, but to twenty three. The report recommended the abolition of twenty-three commissaries and twenty-three clerks, whom government, acting on the principle they had adopted in this instance, would have the power of continuing. It had been asked, why, the Crown should be debarred from filling up these offices? He answered, because the Crown had appointed commissioners to inquire whether it was proper they should exist. He was as certain as he could be of any thing which he had not actually witnessed, that an intimation had been given to the secretary of state that it was the opinion

of the commissioners that the office in question should not be filled up. If the ministers would agree to any motion, framed so as to ascertain this fact, they might, if it were incorrect, convict him of a grave error.

The motion was negatived.

FORGERY OF BANK NOTES.] Sir *James Mackintosh* rose, agreeably to his notice, to move for a committee to inquire into the means of more effectually preventing the Forgery of the Bank of England Notes, and to report their opinion thereon to the House. He said, that notwithstanding all he had before heard, he could not, till he had been made acquainted with their final determination, have supposed that those persons who had, he thought, too much weight in that House, namely, the Bank Directors, would resist this motion, the natural result of the course of inquiry on which the House had already entered. By agreeing to the motions which he had proposed, the House had already established an important principle, that the concerns of the Bank of England, connected with an evil so enormous as the increase of forgeries, should not be considered as out of the reach of the cognizance of parliament. The argument on which the Bank had relied had been finally over-ruled—yet that pretence, flimsy as it was, that the concerns of the Bank must be considered only as those of a private company, had been relied upon till the House was on the very point of dividing; but the Bank Directors, apprehensive of the result of that appeal, had consented to the motion for an account of the expense incurred by the Bank in prosecutions for forging their notes, or for knowingly uttering or possessing such notes. But though the Bank Directors had now determined to resist farther inquiry, he was not without hopes, that if those independent members who had deservedly so much weight, as well with the House as with the country, would again show themselves, neither the ministers nor the Bank Directors would press for a division in which they would anticipate a defeat.

In calling the attention of the House once more to this subject, he wished to spare both their time and their patience. To dwell on the unspeakable importance of the subject would be a waste of both. It had been admitted on the former discussion, that the magnitude of the evil called for inquiry; and it appeared the unanimous sense of the House that some measure was necessary to mitigate, at least, this evil. Few questions had excited more interest among the public at large, and perhaps the greatest interest had been felt among the quietest part of the community—among those who took the least interest in the ordinary course of political affairs, or in those questions which most agitated that House,—at the course of guilt and blood which had followed the stoppage of cash payments. But to dwell on the magnitude of the evil was unnecessary. He would only recall to the recollection of the House, that, for twelve years before the suspension of cash-payments, there had been only one capital execution for forgery of bank-notes. It was the rarest of all criminal cases. For many years not a single instance of it had occurred. In the last seven years not less than 101 persons had suffered death for that crime,—that crime, for which, in twelve years, only one person had suffered. The crime which had been so rare and unfrequent, had been the most frequent and the most fatal. There was another point of view in which this evil appeared still more striking and horrible. For this crime, for which, in all the kingdom and in twelve years, only one person had suffered, forty-four had suffered in London and Middlesex in the last seven years. Executions for forgery now stood at the head of the list of capital punishments: they were far more numerous than executions for murder—than executions for burglary; they were double all the executions for robbery of all sorts, and much greater than executions for all other offences taken together [Hear, hear!]. He implored the House to pause before they determined that they would not take any steps, if not to remove this evil (and he feared without the resumption of cash payments it could not be entirely removed), at least to mitigate it. How would they answer to their constituents—how would they answer to their consciences—that they had left that to be performed by others, which they owed to the people of England at once to perform themselves? If the facts he had stated were not enough to force the imperative claims of this growing evil upon their attention, the returns of prosecutions in the late years — in 1816, 1817, and three months of 1818—would exhibit an increase almost so great as to bid defiance

to belief. In the three months of this year the number was so great, that if the whole year was equally fertile in crime, it would exhibit three times the number of the last year; yet the last year was worse than any which had preceded it.

A circumstance which he must allude to was the expensiveness of these prosecutions. In the observations he had to make on this part of the subject, he meant nothing invidious or accusatory to the gentlemen of the Bank: he adverted only to the system, and to the duty which that system now imposed upon the House. The expenses of prosecutions for forgery on the part of the Bank of England last year were 30,000*l.*; in the present year, in which prosecutions had made such gigantic strides, in the three months of which returns had been made, the expense was within a few hundreds of 20,000*l.* The general average struck him as extremely alarming. It was 263*l.* for each individual prosecuted. This was not only monstrous in itself, but very alarming in its tendency. It was not the same expense for every individual: six were often prosecuted at the same expense as one. The same indictment, the same counsel, the same witnesses, might be sufficient. At the beginning of those prosecutions the expenses were greater. They were in some instances 342*l.*, 340*l.*, 263*l.*, but the average was 265*l.* for each individual prosecuted. He mentioned these enormous and suspicious expenses, not as a charge against the Bank, but as an additional reason why the House should investigate the subject by a committee of its own, and trust no other authority. In former years the forgeries had been chiefly confined to small notes; by the last returns it appeared that a proportionate increase of forgeries for larger notes had now occurred; a melancholy proof that the skill and boldness of the criminals in the forgery of small notes, had tempted them to try their fortune on large notes. If these attempts became more frequent, though the paper currency should be brought back to its sound state, it would for some time retain a taint by the forgeries of the larger notes. He could now venture to say, that the severity of punishment had had no effect in diminishing or suppressing the crime. Though he might have asserted this from his general observation, and from the facts connected with this subject, he was still more strongly fortified in it, by the declaration of a most respectable judge at the last assizes of Lancaster—he meant the lord chief baron. That learned judge, whom he named only to testify his respect for him, had stated, that the previous punishments had produced no effect, for the crimes of those on whom he had passed sentence of death had been all committed since the executions at the last assizes; and that therefore (unless some other means could be devised), it only remained for him to execute the law in its severity. As a judge this was the only course which remained for him; but by the parenthesis which he had inserted he had recommended to the legislature to deliver him from the necessity of cruel and inefficacious punishments. It was no wonder that in the county where the executions had been so frequent as to draw forth these observations from the bench, the attention of the inhabitants should be attracted to it. A few days ago a petition had been presented from Liverpool by the right hon. gentleman opposite, (Mr. Canning), which deserved to be read, as well for the liberality of its principles as for the precision of its language. The petitioners stated, that "they contemplated with feelings of deep concern the alarming increase of the crimes of forging and uttering forged Bank of England notes, and the consequent frequency of capital punishments in this country, by which our national character suffered in the estimation of other countries, and the great principles of humanity were in danger of being gradually impaired." They said, "that without presuming to decide whether the Bank of England have in past time done every thing which might have been done towards preventing the forgery and the circulation of forged notes, they believed the nation were not generally convinced that due pains had been taken, and were of opinion that, in proportion as their prosecutions multiplied, the claim of the public was strengthened to be satisfied that no more effectual measures could be adopted for checking frauds and forgeries and the awful consequences which ensued from them; and that though the Directors of the Bank of England had for many years past been considering of means to prevent the forgery of its notes, yet no effectual measures having been adopted, the anxiety of the petitioners upon the subject could not now be removed without an inquiry into it being instituted by the great council of the na-

tion. They also stated, "that as the evils in question existed in the county of Lancaster in an extraordinary and enormous degree, owing to the Bank of England notes constituting the whole medium of circulation, in small notes, of that populous trading district, it was the opinion of the petitioners that, if it should be found impracticable to check these forgeries, a regard to the credit and security of mercantile transactions, as well as to public morals, would render it expedient to encourage, as much as possible, the introduction and circulation of the notes of private bankers, it being found that the forgeries of private Bank notes were very few in number when compared with those of the Bank of England notes." The town of Liverpool, it was to be recollected, was the second commercial town in the empire. This petition had been unanimously agreed to at a public meeting of all parties in politics. He appealed to the right hon. gentleman (Mr. Canning), for whom many present at the meeting had voted, whether the opinion of such a meeting on such a subject was not of the highest moment. But he must farther remark, that this meeting was held in the county of Lancaster, where, unfortunately, great experience had been afforded of the effects of the system; where the prejudice had been strong against private banks, and in favour of the Bank of England, ever since the unfortunate failures in 1798. Every circumstance which could give weight and authority to such an application enforced the prayer of the petitioners, when they called for inquiry by the great council of the nation. The House of Commons—he would say it with due deference—the House of Commons could not with impunity to its character, refuse to instistitute an immediate inquiry [Hear, hear!].

He must apologize for occupying the time of the House so long; but he felt it due to the House, to the Bank, and to the public, to state explicitly his view of the subject. The summary of the home office, of the state of crimes, no man living could read without affliction and alarm. No failure of commerce, no disasters in war, no danger to our finances, could appear so alarming to those who considered the real foundation of national security and prosperity as this summary. It appeared, from this document, that from the year 1805 to the year 1811, the number of capital punishments was 390. From 1811 to 1818, it was 580; which number, as he was reminded by his excellent friend near him (Mr. Bennet), whose attention had been so constantly and so honourably directed to this most important of all subjects, was as in the proportion of one to eight to the whole number of crimes. He was aware that the number of crimes was not in itself a criterion of the morality of a nation. Many nations full of activity and wealth, abounding in temptations, and in the qualities which, when misdirected, were productive of criminality, would afford a longer list of offences, than the records of a lethargic people, who had no virtues, though they had not many crimes. Yet when in the same nation the crimes increased, it must be taken as an evidence of a change of morals for the worse. This was not the time to enter into the discussion, but if he were casually called on to name them, he should not allude to the causes to which it had often been attributed. It appeared to him to depend more on what might be called the economical condition of the people, than on what were called moral causes—on the ebbs and flows of demand and supply—on the fluctuation of wages and prices—evils inseparably connected with an inconvertible paper money. Variations such as these were enough to make the ignorant think that they were the sport of some malignant demon, against whom their most strenuous efforts were often fruitless; and from this probably they derived a desperate and gambling character. By the vicissitudes of a long war—by the return of peace—by that worst of scourges, an inconvertible paper money, which no nation but this had ever been able to bear up against—had this been effected.

The number of lives actually taken away by the severity of the laws, was not indeed a full criterion of the evil. They could not fail to compare the number thus taken away with the number of ordinary deaths, and to find that it formed a very small proportion. But this was not the fair view of it. Death was not itself an evil. Death in the performance of duty might be the happiest consummation of life. But a life of misery and of crime, terminated by a death of suffering and shame; a father in his life-time struggling to support his children by the desperate expedients which distress and crime suggested, and leaving by his death an ex-

ample of unutterable distress and lasting infamy, was the greatest evil which could befal men. He would say nothing of the loss arising to the public from the present system, although they were very great. An hon. baronet (sir James Graham) had stated, that one half of the Bank notes circulated in the northern counties were forged. He might here suggest to the consideration of the House, that the principal sufferers in point of pecuniary loss were to be found in the class of small tradesmen—a description of persons eminently entitled to the protection of the laws. Yet but too many of them were reconciled to submit to forgery and fraud, rather than engage in litigation, or expose themselves to suspicion and the danger of further loss. A lesson indeed of a very impressive nature, had recently been taught to persons of this description—a tradesman who had a 5*l.* note, which was pronounced a forgery at the Bank, took proceedings in the Marshalsea court against the parent of the girl from whom he thought he received it. In this, however, he was mistaken; but this mistake arose from the resemblance of the girl to Emma Connor, of whom the House had already heard, and who was known to have been active in circulating forged notes in the tradesman's neighbourhood. The consequence of the mistake was, that the tradesman incurred costs to the amount of 23*l.*, so that he was altogether a loser, through this forgery and effort to vindicate himself, to the extent of 28*l.* The statement of this single fact, was sufficient to prove the existence of hundreds of a similar nature. Instances of the destruction of forged notes must be numerous; because, to many, the positive loss would appear a much smaller evil than the imputation to which they might be subjected by retaining them in their possession. The class of people to whom he had just alluded, were, in a peculiar degree, afraid of defending themselves under such circumstances, because they felt that even suspicion might prove their ruin.

Having stated thus much, he now came to consider more immediately the grounds upon which his proposition for inquiry rested. And here he must express his hope that the common sense of the House would not again be insulted by the assertion, that the affairs of the Bank of England being those of a private company were beyond the reach and authority of parliament. He trusted that the House and the country would not again be insulted by the pretence that it would not be becoming to interfere with the conduct of the Bank, on the ground, forsooth, that it formed a company of private traders, who were entitled to manage their affairs according to their own judgment, without any legislative control; for this Bank was notoriously a public company of whose conduct that House was not only entitled, but, on this occasion, especially bound to take cognizance. If, however, the Bank were merely private traders, and their conduct was productive of such consequences to the country as those he had stated, it was the duty of that House, as the guardian of public justice and morality, to take notice of such conduct, and endeavour to provide some remedy for the mischief which it occasioned. But the fact was, that from the connexion subsisting between the Bank and the government, the Mint might as well be regarded as a private company as the Bank of England. Any evil then, resulting from the system of the Bank, was obviously a proper subject for the consideration of that House, and the conduct of the Bank itself rendered the interposition of the House the more necessary in this instance; for it was remarkable, that within the twenty-one years which had elapsed since the restriction upon cash payments was enacted, the Bank had not taken a single step to save the public from the evils of forgery, while they had adopted abundant measures to save themselves [Hear, hear!]. He did not mean to say, that they had not adopted abundant precautions for their own security, but they had entirely overlooked that of the unfortunate people of England; in consequence of which oversight the liability of the public to be plundered and harassed remained the same as it was in the year 1797. Had not, then, the public a right to expect that some inquiry would be instituted by that House, in order to ascertain whether their liability to suffer was the consequence of the supineness of the Bank, or whether any remedy could be devised to put an end to, or to diminish that liability? Such an inquiry was, he maintained, the imperative duty of the House of Commons, and the people required and expected from it the performance of that duty. If upon inquiry the evil which he had described was found irremediable, that discovery would serve to guide the judgment of the House in determining

upon the policy of continuing that system of restraining cash payments, which gave birth to such an accumulation of evil. The Bank itself, indeed, should consider that an inquiry ought to be instituted, in consequence of the strong prejudice prevailing against it, and that nothing could serve to remove that prejudice, but a rigorous, thorough, and efficient inquiry.

It was, however, not merely with a view to guide the judgment of the House, as to the policy of continuing the restriction of cash-payments, or to vindicate the character of the Bank, that the inquiry he proposed was necessary, but in order to diminish crime, to stop the course of blood, and to spare the feelings of the public from that horrible carnage which the present system occasioned. It was indeed mainly with a view to put an end to these events, as well as to promote the interests of morality, that he pressed for this inquiry. He did not mean to attribute any thing more exceptionable to the directors of the Bank, than the failings which commonly belonged to mankind, when he observed, that they were rather too much attached to routine and custom, to encourage projects of improvement. They were, he feared, too apt to discountenance and dismiss such projects by some compendious remark, or old maxim, which might be learned from our grandmothers; therefore, he apprehended that adequate encouragement had not been held out for the exertion of skill and talent to devise an improved mode of fabricating bank-notes. But it ought to be recollected, that new projects, in the present case, did not go to increase or put to hazard a certain good, but aimed exclusively at the suppression of a monstrous evil. Since the last discussion of this subject in the House, he had seen many ingenious artists and scientific persons, and was induced, from their representations, to believe that, although the evil could not be entirely suppressed whilst the circulation of small notes continued, it might be considerably mitigated. In the United States of America, already an example of national happiness, and likely soon to become one of wise legislation also, he had been informed that a paper currency existed to the amount of twenty millions sterling. America might, therefore, be fairly stated to be the second country in the world with respect to a paper circulation, as she undoubtedly was in the character of a shipping and commercial commonwealth. Her paper currency was, however, convertible into money; forgery was not a capital offence, and the crime was of rare occurrence. The circumstances of America might be unfavourable to the commission of the offence; but it was nevertheless remarkable, that the banks in that country, not having the assistance of the gibbet to depend on, had employed the utmost ingenuity in the fabrication of their notes. He repeated, that he meant not to hold out the prospect of totally preventing forgery; but he felt that it was incumbent upon the House to do all that was within its power to reduce the evil; and this he must deem practicable from what he had heard; for he was informed, by very competent authority, that any boy, who was six months under the instruction of an engraver, could easily contrive to forge a Bank of England note—not, however, so as to impose upon the Bank itself; for those concerned in managing that establishment, took good care to provide against that, but so as to impose upon that class of the people whom it was peculiarly the duty of that House to protect. It was the duty of the Bank also, to seek the protection of the people from these forgeries, especially as their circulation was so extensive, and it ill became the Directors to decline any effort whatever towards preventing forgery, merely from the belief that complete success was unattainable. According to his impression, which he hoped was also the impression of the House, this subject was worthy of inquiry, if the result were only to save one life, or to reduce in any degree that bloodshed which so much afflicted the country under the existing system. He could not, indeed, imagine an object more deserving the attention of the House. It was not only to the prevention of the crime of forgery that its being rendered more difficult would tend. It would have the effect of lessening the number of other crimes; for every species of crime when carried to any extent excited to others. It was the nature of all crime to have its action and reaction, and where once a great temptation to violate the law broke down the moral principle in a large portion of society, it invariably generated a great number of offences. There was no one crime which presented such little difficulty to its commission as forgery. It was not a species of offence which required any degree of physical force or animal courage, which the generality of other crimes called into action.

It was equally tempting to all—and old men, women, and almost children, were alike exposed to its temptations, and equally associated in its commission. Men of talent too, who in general were not exposed to the commission of other crimes by like temptations, were found engaged in it. If, then, no steps were taken to render the difficulties of this crime greater, the legislature would be opening a school for the encouragement of a particular vice in those who were not from age or situation likely to be influenced by the ordinary incentives—moral depravity. To return, however, to the question which he was about to submit, he would ask the House, whether, after they had proceeded to the extent to which they had gone in the consideration of the subject, they would now declare all they had done to be useless, refuse to put the seal to their past resolutions, and transfer the duty of investigation to the care of others. In the belief that this was not the course which they would think it right or becoming to pursue, he should conclude by moving,

"That a Committee be appointed to inquire into the means of more effectually preventing the Forgery of Notes of the Bank of England, and to report their opinion thereupon to the House."

The *Chancellor of the Exchequer* rose, he said, not to depreciate the importance of the subject before the House, but to recommend what appeared to his mind a more effectual mode of attaining the object in view than that proposed by the hon. and learned gentleman. To investigate this subject would require a degree of patient research and scientific knowledge, which was not, he, with all deference, apprehended, to be looked for in a committee of that House, and therefore he thought it more advisable to have such an investigation conducted by a special commission, consisting of fully qualified persons, and having an opportunity of consulting the first artists in the country. He therefore proposed to move for the appointment of such a commission. Many advantages would belong to such a commission, which could not appertain to a committee of that House; for while the labours of the committee must be limited by the duration of the session, those of the commission would be subject to no such limitation. While every man must desire to remove the evil of forgery, no man could deny that a great deal of difficulty belonged to the attempt. He had heard of many plans for such a fabrication of notes as could not be imitated; some, indeed, had been suggested to himself, but on consulting with competent persons he had found the projectors were much too sanguine. Still he thought it right that every possible skill should be exercised for such a desirable purpose. While he would not be too sanguine, he was as unwilling as any man to despair. Therefore he was an advocate for inquiry. He should not have felt it necessary on the present occasion to say any thing farther on this subject than merely to move the address, were it not that he conceived some observations of the hon. and learned gentleman required one or two words from him in the way of explanation. The evil, as he had just stated, was a great one, and called for some redress. Independently of the number of crimes to which it gave the temptation, there was, besides, that uncertainty with respect to property which it tended to create; but admitting these, he did conceive that there were considerable deductions to be made from the statement of the hon. and learned mover. It would appear from that statement, that the crime of forgery was comparatively unknown before the restriction of cash-payments by the Bank. This he conceived was rather an exaggerated statement. Forgery was almost as much known and practised long before the present day as it was now. In the middle of the last century, the number of persons executed for forgery were greater in a given period of time, than they were in the same period of late years. In the years 1749, 1750, 1751, and 1752, the number of persons executed for forgery in London and Middlesex amounted to nineteen, and in the last four years the number was only eighteen. He spoke here of various kinds of forgeries, for he had not *data* sufficient to state the particulars. The late accounts were more accurate. In the years 1811, 1812, and 1813, the number of persons executed for forgeries in the United Kingdom was 110, and in the last three years, the number did not exceed 91. But while it appeared that the crime of forgery was not increasing, it was manifest from the returns made to the House of Commons, that other crimes had increased in the same period very considerably. The total number of persons committed to prison charged with crimes during the last three years were 19,087, while the number in the three preceding years little exceeded

17,000. In the last year the number of persons imprisoned on different charges in London and Middlesex, considerably exceeded that of the preceding year. So that the statement which described the crime of forgery to be increasing in a much greater, or even in so great a proportion as other offences, was, according to the returns which he had mentioned, considerably exaggerated. As to the grand panacea which the hon. and learned gentleman prescribed for the prevention of this great increase of crime, he could not conceive how it applied. The resumption of cash payments would not have that tendency to suppress crime which the hon. and learned gentleman seemed to think, and to prove this, he had only to look at the great increase of the crime of coining which had taken place within the last few years. The number of persons indicted for coining in the years 1811, 1812, and 1813, amounted to 392, and in the years 1815, 1816, and 1817, they were as high as 624. This increase had taken place during a period of the restriction of cash-payments, and showed, that while forgery was not on the increase, the crime of coining gained ground in proportion with other offences. If it was so great during the restriction, how much greater might it not be expected to be after the restriction should cease? It was not, then, to the restriction of cash payments, or to any neglect on the part of the Bank that this increase of the crime of forgery could be attributed. Forgery was a crime which he feared had always existed in a commercial and enlightened country, where education was generally diffused, and the means of committing the offence were always at hand. In the earlier annals of the country, the crimes committed against society required strength and violence; fraud and craft were the qualities which distinguished a modern criminal. This, however, only rendered it the more imperiously necessary for the House to pay attention to every means of discouraging and preventing the growth of the evil. With this impression, he should move, to leave out from the word "That" to the end of the question, in order to add the words, "an humble Address be presented to his royal highness the Prince Regent, that he will be graciously pleased to issue a commission under the great seal, for the appointment of commissioners to consider of the best means of preventing the forgery of promissory notes issued by the Bank of England and other bankers, and other negotiable securities."

Sir *Charles Mordaunt* expressed a decided preference for the mode of inquiry proposed by the hon. and learned gentleman. That mode of inquiry would, he was convinced, be much more satisfactory to the country at large than the amendment. The right hon. gentleman did not appear to be aware of the degree of alarm and anxiety which prevailed in the country upon this subject, or of the necessity of promptly taking the most effectual means of quieting that alarm. There was perhaps no subject more deserving the attention of that House, nor one to which it would be more creditable to its character to devote its time. It would, of course, be open to the proposed committee to collect every necessary information, and to consult artists and scientific persons of all descriptions. He could not, then, conceive why such a committee should be deemed incompetent to a thorough investigation of this interesting subject. The hon. and learned mover had very properly referred to the petition from Liverpool, and he would also refer to the petition from his constituents at Birmingham, to show the necessity of every possible exertion to put an end to the evil complained of.

Mr. *Bennet* congratulated the right hon. the chancellor of the exchequer on having suffered prudence to step in and prevent him from coming to battle that night by opposing the motion of his hon. and learned friend. So far from the crime of forgery being on the decline, it had arisen to a most alarming degree within the last year, and was still going on. Indeed, as had been shown by his hon. and learned friend, the increase in the first three months of this year was almost incredible; the indictments being nearly equal to those of the whole of the three years alluded to. From the very paper alluded to by the right hon. gentleman it would be found that in 1811 43 persons were indicted for forgeries on the Bank, or uttering such notes; in 1812, 67; in 1813, 95; in 1814, 63; in 1815, 71; in 1817, 162; and in the first three months of the present year, 112. He would say, that the number of criminals was so excessive that government dared not put the sentence of the law in execution on those who were convicted. But the Bank had assumed to itself the right of dispensing with the law, by omitting the capital part of the charge against whom they pleased, and bringing them

up to plead guilty to the smaller offence. Thus it appeared, that no less than 200 persons had pleaded guilty in three years of having forged Bank notes in their possession. In the middle of the last century those persons would not have been suffered to plead guilty, but would all have been executed if convicted. Therefore the right hon. gentleman's principle was erroneous. Was it right that the Bank should decide on who was to suffer capital punishment? At the last sessions for London twelve persons were sentenced to fourteen years transportation, and two, one of whom was an unfortunate woman, had been selected to suffer death. By whom were they selected? Not by the judges. The solicitor of the Bank held up the list of prisoners, and said that those numbered so and so, were the persons to be tried for the capital offence. Who allowed them? He made no charge against the solicitor; he believed he was a very respectable person, who only did as he was directed. But who could say that the next solicitor to the Bank might be equally respectable, or that he might not take bribes from prisoners to let them plead to the smaller offence, and thus save their lives. The hon. gentleman then alluded to the well-known observation made in answer to the applications for the life of Dr. Dodd; and contended that on this principle the two hundred and odd persons lately convicted ought to have been executed! With regard to the unfortunate woman, the Bank were appealed to, but their consciences were divided, and government declined interfering. He wished to know on what principle those two persons were selected out of the twelve, that we might ascertain whether or not we had equal laws for all persons at all times. He noticed several cases in which the parties had been permitted to plead guilty, and desired to know why the person had been so favoured, who had seduced the two boys to crime, whose case had recently been brought before the public—a person who had been connected with the Birmingham forgers, whose whole family had been implicated in such transactions, whose brother had been transported for the same offence, and whose father had been engaged in making false keys? Why, he wished to know, had this man been spared, while a boy of eighteen years of age had been pursued to conviction, who now lay in the condemned cell, and who, unless more mercy were shown to him than had been extended to the unhappy female who lately suffered, must shortly be executed.—He then compared the executions which had taken place since the year 1811 up to the present time, with the number of convictions procured within the same period. In the year 1811 these had amounted to one in five; in 1812 they were one in three; in 1813, one in five; in 1814, one in ten; in 1815, one in seven; in 1816, one in seven; and in the last year, one in nine. In the present year the executions were more numerous in proportion to the convictions; but while the law was thus irregularly carried into execution, property was felt to be less secure than it would be where a milder punishment was awarded, with the certainty of the sentence pronounced being carried into effect. From the experience of those who had been in the habit of attending criminals sentenced to die, from twelve to twenty years; he had heard, that those who suffered for forgery were, in many cases, far from feeling that they had committed a great moral offence against the law of God. Their conduct was frequently marked by resentment against their prosecutors and indignation at the selection made which doomed them to death. It was thus that the few hours which intervened between the order for their execution and their being led out to die were passed, and when they came on the scaffold, what were the feelings excited among the crowd. They were any thing but what ought to be excited by such a spectacle. The culprits were objects of compassion, and the selection of them for punishment a subject of general indignation. The frequency of prosecutions tended greatly to harden the public mind. This he illustrated by an anecdote of a poor boy, who being recently turned out of Newgate destitute and pennyless, and in such a state that he might be said to have no friend but the gaoler, no home but a prison, was a few days afterwards detected picking pockets in sight of the scaffold, on which an execution was about to take place. When brought into the prison, he was asked by the ordinary, how he could make up his mind to commit a robbery at the moment when the unhappy culprits were about to be launched into eternity. The boy answered, that was just the moment for him, as when all eyes were fixed on the victims the pockets were left unguarded. Such was the effect of executions. Upon the whole of this

case, both from what he personally knew, and from what he had heard from others, he felt it his duty to concur in the motion of his hon. and learned friend, and he trusted that it would receive the support of every member in the House.

Mr. *S. Thornton* declared, that it was always the practice of the Bank Directors studiously to investigate every case of forgery with a view to ascertain where lenity ought to be extended, and where prosecution ought to be followed up. But he could most conscientiously state, that their disposition was always towards lenity. As to the infliction of punishment, or the grant of mercy, after conviction, the Bank had nothing to do with such proceedings. If, through the commission proposed, or by any other means, the crime of forgery could be prevented, or rendered more difficult, he could assure the House, that the Directors of the Bank would feel the most cordial satisfaction.

Mr. *Huskisson* said, that according to the arguments of the hon. member who spoke last but one, the committee, if appointed, ought to inquire, not only into the case of forging Bank of England notes, but into the whole criminal laws of the country. This, it would seem, was the object of the hon. member. But could the House so forget what was the nature of our constitution—could they so forget what was the character of those who presided in our courts, and who reported the convictions to the Crown, as to accede to the proposition of the hon. gentleman? It appeared to him, that the result of his speech was, to bring into odium and disrepute, not only the laws themselves, but the judges who administered those laws. The inquiry which he proposed would branch out into subjects the most unfit, the most inconvenient, and the most improper. At the same time, he felt himself bound to admit that the hon. and learned mover, in his very able, eloquent, and ingenious speech on this subject, did not seem to contemplate such an inquiry: he specially guarded himself against imputing blame to the Bank, or wishing a committee to be granted to find articles of impeachment against them: but he wished that the House should institute some inquiry of an immediate nature, to check the growth and arrest the progress of this alarming evil. He (Mr. Huskisson) must say, that a committee of the House of Commons did not seem to him to be the fittest mode of carrying on such an inquiry. If there were any suspicion that the Bank of England had negligently, for he would not say criminally, suffered these prosecutions to take place, then the House might institute those inquisitorial functions which belonged to that branch of the legislature; but at this period of the session he thought that such an inquiry would be nugatory. He did not know what course the committee could pursue but to endeavour to discover the extent of the evil, of which there existed no doubt, and to recommend to the Crown to institute a commission to ascertain by artists, or others, the best mode of checking the evil of forgery. In order to prevent loss of time, and to render the measure most beneficial to the country, he contended that his right hon. friend had proposed the best course for the House to adopt; the other would only create delay, and destroy the benefits which it sought to obtain. It was not, therefore, because he was not sensible of all the inconveniences which the hon. and learned gentleman had so eloquently described, that he should support the motion of his right hon. friend. He thought it necessary, indeed, that some measures should be immediately adopted; for although the Bank, and those who issued their notes, could ascertain whether they were good or not, it was not in the power of the holder of a note to say whether it was genuine, nor could he compel another to receive it in payment, if he conceived it not to be genuine. This was not the case with the coin of the realm. He was surprised, however, to hear the hon. gentleman who spoke last but one say, that those who committed the crime of forgery, so far from being convinced of their guilt, considered themselves almost as being meritorious. If the House were to have a committee to inculcate such doctrines as these, they had better put an end to all transactions except those which depended upon barter, inasmuch as men could not exist except by defrauding and plundering one another.

Sir *Samuel Romilly* said, it was a great inducement to him to vote for the motion of his hon. and learned friend, because he did not know that there existed any disposition on the part of the right hon. gentleman opposite to institute such an inquiry. He thought that his hon. friend, the member for Shrewsbury, had not been fairly used by the right hon. gentleman who had just sat down. His hon.

friend did not propose that the committee should inquire into all the criminal laws, neither did he attack the character of the judges, nor the mode in which they administered the laws; but he stated, that great mischief arose, and great discontent was excited in the minds of the people, from a selection of cases. Sir Samuel said, he also thought that it was a sort of discretion that was most mischievous: it created that feeling in the public which made it impossible to consider the crime of forgery in the way that it was formerly considered. He did not mean to say that it was to be considered as a light offence, but it was a prevailing opinion that it was an offence for which men ought not to suffer death. So strong was this feeling, that men frequently suffered great losses rather than press the execution of the laws to that extent. He thought that the system now acted upon led to all those mischievous consequences which his hon. friend had so ably pointed out. In every case of selection the people criticised the distinction, and thought that great injustice had been committed.

Mr. *Huskisson*, in explanation, said, he had not asserted that forgery ought to be punished with death. On this subject he was not called upon to give an opinion; but if he were to do so, he thought it would go rather the other way.

General *Gascoyne* observed, that the principle of inquiry was admitted on both sides, the only question was, which would be the better mode, by a committee of the House or a commission? To him it appeared, that a committee would be the better mode, as it had been found in almost every instance of inquiry. Much had been said about the efforts made to call in Bank notes; but why was not an effectual method taken for the purpose? At a time when old silver was to be collected in, it was found practicable to send silver to different parts of the country for the purpose. Why could not gold be sent into the country to provide for the calling in of notes? If this was done, all notes found to be forgeries might be prevented from farther circulation. Under all the circumstances of the case, a committee ought to be appointed, and it would be their fault, if they did not provide a remedy against the evil.

Mr. *Manning* said, he must express to the House the great surprise and pain with which he had heard the speech of the hon. member for Shrewsbury. The hon. member had asked, why the solicitor of the Bank of England selected one case for mercy, and another for prosecution? Now the fact was, that he selected no case whatever. The Bank solicitor had no authority of that kind; he acted under the direction of his employers: and as to the Directors, they judged of every case with the utmost solicitude. They were governed in their proceedings, not by a regard for their own interest and safety, but for the protection of the public; the expenses were paid out of the funds of the corporation, and for the express purpose of saving harmless those who had been imposed upon by forged notes, and who were unable to bear the expenses. It was not the practice of the Bank to interfere after judgment: but in the case of the woman who lately suffered death, he believed it would be found that it was totally impossible, from the whole course of her life, for the executive government to have selected a more proper object for punishment. He was convinced in his mind, that the crime of forgery, notwithstanding what had been said that night, had become less frequent, as contrasted with the growth of other crimes. Nor was it to be wondered at that there should be a large number in the returns of persons tried for forgery during the latter years, when it was found that the general returns of persons indicted for various offences, in 1811, amounted to 5,337, whilst in 1817 they amounted to 13,932, a proportion of nearly three to one. He could assure the House, that the Bank would be happy to concur in such measures as might be deemed most practicable for preventing the forgery of their notes; but it would be perfectly idle to adopt a project that might be submitted to them from day to day, and which might be copied by their engraver in three or four days. He had witnessed their patient attention to the subject, and he would add, that they would spare no expense to adopt such a plan as might be found most effectual for checking the evil. The reason why they detained the notes after the word "forged" had been stamped upon them, was, that in cases in which they had gone out again, that word had been erased by a chemical process. At the same time, the Bank always gave an undertaking to produce the notes in any part of England that might be required, for the purposes of justice.

Sir *A. Piggott* strongly defended the

conduct of the Bank, and replied to the charges brought against the Bank direction. The whole of the evil of forgery had been attributed to the restriction on cash payments, but he thought most unjustly. It was true that there had been an increase of the offence since 1797, but the increase had been gradual from that period up to 1817, and could not be attributed to the restriction alone. There had been an increase of other crimes as well as that of forgery. In proof of this he might direct the attention of the House to the state of the gaols of Warwick, Lancaster, and York. This multiplication of offences had been owing to the pressure of the times, which equally prompted men to forgery as to other offences. He admitted the magnitude of the evil, which resulted from the facilities of forging Bank notes; and he was sure that no body of men lamented its existence more, or looked with greater anxiety to the discovery of a remedy, than the Bank Directors. If parliament, by the appointment of a committee of inquiry, or if the Crown, by any means that lay within its power, should find out a plan by which forgeries could be either diminished or entirely checked, they would confer not only a great obligation on the country, but a favour on the Bank that would be gratefully received by that corporation, who now not only incurred a heavy expense in prosecutions to protect the public, but were, on account of their very anxiety to do their duty, held up as persons who delighted in bringing men to trial and punishment. Nay, in the eagerness of crimination, they were exposed to charges the most inconsistent and destructive of each other, being accused at one time of prosecuting with too much severity, and at another time of interfering too much to procure a mitigation of punishment. He found himself called upon, when he heard such charges brought against a body of men whom he knew not to deserve them—he felt that it was a justice which he owed them, and which he regretted he had so long delayed to render—to say that they had done their duty to the public, and that the accusations of negligence in looking out for the means of prevention, or severity in calling for punishment, or caprice in selecting the objects of it, were unfounded. He was sorry to hear it said by an hon. gentleman, that it was left to the solicitor of the Bank, however respectable that individual might be, to determine on the objects of capital prosecution. This was a misrepresentation that was not in the least countenanced by fact. No such discretion was intrusted to the Bank solicitor. He received his instructions from the direction, like any other law agent in a similar situation with regard to individuals; and it was his duty to follow those instructions, laying the prosecution which he was directed to institute before the proper court. The Directors themselves examined the circumstances of every particular case, and proceeded according to the views which such an investigation suggested. When in doubt or difficulty, they asked the opinion of counsel (though in such cases they did not apply to their regular counsel), and were guided by the legal advice they received. It did not appear fair, therefore, to make charges of this kind against the Directors. Discourses, like some of those which had been heard that night, were not calculated to inform, but to mislead the public with regard to the character of men who showed the utmost anxiety to execute properly their important duties; who took the greatest pains to authorize only such prosecutions as could be supported by evidence of guilt; and who left to no agent what they themselves conceived they were called upon to perform. He would go farther and ask, to what such charges tended? Did those who made them wish no prosecutions for forgery instituted? Then let them come forward and move for a repeal of the law, instead of allowing it to remain as it was, and making the execution of it a ground of accusation against men who did their utmost to execute it with wisdom and leniency.—But the Directors were not only blamed for carrying the law into execution in some cases, but for not executing it in others. Was it, then, meant to be asserted, that every offence that might be prosecuted capitally, ought to be so prosecuted? The motto of the Bank would then indeed be, "hang, hang, hang." If all offenders were not to be prosecuted capitally, and if in cases where a milder punishment was prayed, the Bank was to be blamed, then let the House declare what conduct the Directors were to pursue; let the proper line be marked out for them; let no discretion be allowed; let them be told, when a capital prosecution was to be instituted, and when the offender was to enjoy impunity, or to suffer a mitigated penalty. His hon. and learned friend had

attributed the increase of forgeries to the Bank restriction, and had referred back, as a proof of his position, to the period previous to 1797, when they were comparatively few; but it ought to be recollected, that the number must then have been smaller from the nature of things, as from the diminished paper circulation of that time there were fewer opportunities of forging.—He had thus felt himself called upon to defend the conduct of the Bank, because he thought it unjustly attacked. Those who directed charges against it, while they pretended to monopolize all humanity and justice, and accused the Directors of delighting only in prosecution and punishment, showed that they did not possess the qualities which they arrogated, and which they refused to others. That the increase of forgeries was a great evil he was willing to allow; and the Bank Directors likewise allowed and lamented the fact. They professed their utmost willingness to attend to any suggestion for checking the evil, and would receive with gratitude any offer of a remedy. Many projects had been already examined by them, and others would be attended to; but when it was considered that many experiments which had been tried had ended in failure, he thought it was not asking too much from the opponents of the Bank to allow two things—first, that the Directors had not been idle or negligent; and, secondly, that a remedy was not so easy a thing as some people seemed to think. He would recommend to the hon. general (the member for Liverpool), before he ventured again to accuse the Bank of making no attempts to prevent forgery, to be a little better informed, and to inquire into what they had really done.

Mr. *W. Smith* said, he did not think that strict justice had been done on either side in this debate. His honourable friends near him did not wish to monopolize all the humanity of the House, as they had been charged with a desire of doing; nor did the Bank and the opponents of the motion appear so averse to a remedy for an acknowledged evil as had been insinuated. All must acknowledge, that the prevention of forgery was a difficult undertaking, though most would confess that every thing had not been attempted which might have been done. The Bank appeared to him to have committed one error in acting too much after the restriction as they had done before it, though in very altered circumstances. They had acted wrong, in his opinion, in withholding from the public that criterion by which they themselves were enabled to determine a forgery. The Bank inspectors and clerks had marks by which they distinguished between a forged note and a true one, but they kept these marks from the holders of these notes, and thus deprived them of all means of detecting imposition. In America there was a laborious, and, he believed, a successful attempt made to prevent the forgery of paper dollars. In Scotland, too, it was known that there had been no forgeries, though the circulation of that country was small notes as well as in this. This must be attributed to the nature of the notes themselves. For the last twenty years no new attempt had been made to prevent forgeries of the Bank of England notes. The Bank had not done all that it could to remedy the evil complained of, and the public was joined by the House in thinking so. The House now with one accord had agreed to take some method to inquire into the subject; and the only question was, whether the method proposed in the motion or in the amendment was the best? He was of opinion that a committee could best sift the subject, and would bring sufficient skill, diligence, and impartiality to the examination of any proposed remedy.

Mr. *Canning* observed, that there was but one opinion in the House as to the necessity of adopting some measure to check the evil complained of; and the question now to be decided was, what would be the best course to pursue. He differed from the hon. and learned gentleman who had brought it forward, and should vote for the amendment of his right hon. friend; but he only did so because in his conscience he believed the course which he had suggested would be most likely to supply an efficient remedy. If a committee were appointed, however competent it might be to conduct the inquiry, he could not look for their coming to any practical conclusion in the present session. A commission would not be liable to that interruption which a committee of that House must anticipate, and from their diligence he expected that a conclusion would be come to, which, though not a speedy one, and though not one that would do away all difficulties, yet still would be as satisfactory as could be expected from the nature of the subject. The question was proved to be one

of great difficulty. This necessarily resulted from the speech of the hon. Bank Director who had last addressed the House, in whatever way his statements were received. But the last speaker thought the Bank had not done enough to prevent forgeries, as, though they had formed a criterion for themselves by which they could distinguish a good note from a bad one, they had never communicated the secret to the country at large. This inconvenience, he apprehended, must continue, unless some one should discover a way by which the means of detecting a forgery might be communicated to every body, without any danger being incurred of such knowledge being made use of to produce a new counterfeit. To prevent forgeries, it seemed desirable that something more artificial and more elaborate in its execution should be provided. All came to this at last—that the Bank note would be less likely to be forged, if it were, like one of Raphael's pictures, or the Venus de Medici, so finely executed that imitation was almost hopeless. Stimulated as talent would be by the rewards that he anticipated the inquiry about to be undertaken would hold out to successful exertion in this way, he thought it would be a disparagement of the art of engraving not to look forward to a considerable, if not to a decisive improvement. Though he admitted the evil complained of to be of such magnitude as to call for an inquiry into the best means of checking it, yet he did not believe the increase of forgeries, as compared with the increase of other crime, so great as had been asserted. From the returns made to the Secretary of state's office, it appeared that in 1813 there had been eighty-three committals for forgery. In 1817 there were ninety-eight. Here was a lamentable increase, but it was nothing like what was generally imagined to have taken place. In 1813 there had been committed for coining 189. The committals for the same offence in 1817 were 346. In the former year the committals for burglaries were 287. In 1817 they were 627. For larceny there were committed in 1813, 4,600. In 1817, 9,300. Thus it would be seen that there had been a greater increase in other crimes than in forgeries. He hoped, however, that from having made these statements, it would not be for a moment supposed that he meant to say there was not such an increase of forgery as to call for the interference of the House. He was aware that such interference was necessary, but he thought it was not right to send forth to the country statements which, however unfounded, were from their nature calculated to mislead and distract the public mind. As to the observations which had been made relative to the prerogative of the Crown in granting pardons to condemned persons, he should not attempt to weaken the force of his hon. friend's reply by speaking on the subject farther than by observing, that it was improper to call that selection for punishment, which was in fact the very converse of the principle. It was a selection for exemption. Such a power was given and used for a purpose different from a desire of punishment. It was a power the exercise of which must afford the most unspeakable satisfaction. But if blame was to be laid where the interference of the Crown had not been used, such a prerogative, instead of being a glory and a pleasure, would become a cause of anxiety and a curse. On such occasions as that of granting mercy, it was the business of the advisers of the Crown to inquire and point out the objects deserving the royal clemency, and he hoped the day should never arrive when the advisers of the Crown were to be called to account for such a conscientious discharge of their duty. On the subject more immediately before them, he should observe, that it merited their support, as being one which tended to improve the morals of society. The necessity of some alteration was admitted. That whatever had been hitherto done on the subject was ineffectual, was also admitted by those who opposed as well as those who supported the amendment. The dry question now before the House was, in what mode could they most efficaciously interfere to check an evil which was confessedly great? A commission to him appeared preferable to a committee. He should not so much object to the motion of the hon. and learned gentleman as he now did, if it had been made at the commencement of the session. But, wishing that what they did should not go merely to allay a temporary clamour, or to excite a fallacious hope,—wishing that to be done which would confer a substantial and lasting benefit on the country—he should vote for the amendment.

Sir *James Mackintosh* rose to reply. He said, he was glad to perceive that on both sides of the House the necessity of

some measure of inquiry was agreed to. It was admitted, even by those who opposed the motion, that the evil was of such magnitude as to call for some interference, and that the efforts hitherto made by the Bank to put a stop to the progress of forgery were not so successful as to render farther investigation unnecessary. The only choice to be made was between the two modes of inquiry proposed. He had always heard his hon. and learned friend (sir Arthur Piggott) with the greatest deference and attention, upon this as upon every other subject. He wished, however, that in the course of his speech he had not endeavoured to convert it into a personal question; that he had argued upon the extent of the evil and the mode of remedying it, without entering into any defence of the Bank directors. No charge was brought against them. Defence therefore was unnecessary. It was however unavoidable, that they should create distrust and aversion in the public mind by that selection which was pursued in prosecutions for forgery. It was said, that he had exaggerated the increase of forgeries, and a comparative statement of crimes was produced to countenance the assertion. The plausibility of this statement rested on the number of executions for forgery, not upon the number of convictions and much less of prosecutions. He did not confine his view of the case to the number of executions alone. He had called the attention of the House to the prosecutions instituted on the ground of forgery for twenty-one years previous to the Bank Restriction, and for twenty-one years subsequent to it. In the former period there were only six prosecutions, while in the latter the number amounted to 860. During the fourteen years immediately preceding the restriction the prosecutions were but four. In the following fourteen years they were 404. It was said that in the early periods of the suspension of cash payments the progress of forgery was slow. How, then could gentlemen account for its great and rapid increase immediately after? It might be said that prosecutions for forgery were not a good criterion to judge by. For the purpose of showing this, reference was had to three or four years of the middle of the last century. The reference was useless and inapplicable to the present purpose; because, at such a distance of time, it could not be now made out, whether these prosecutions took place for forgeries upon the Bank or upon private individuals. He founded his motion upon the vast increase of convictions which had taken place within the twenty-one years. But to come to the question. The right hon. the chancellor of the exchequer said, that the necessary secrecy of such an investigation as that proposed would not be consistent with the mode of proceeding in committees of that House. How was this to be reconciled with the willingness expressed by the right hon. gentleman who spoke last to agree to the committee, if it had been proposed at the commencement of the present session? He saw no reason why a committee of the House of Commons should not be entrusted with any secrets necessary to be communicated in such an inquiry as that proposed. He could not believe that the House deserved so severe a censure as to say, that twenty-one of the gentlemen who composed it were not to be trusted with secrets referring to this subject. He could not weigh the value of the objection offered by the right hon. gentleman who spoke last upon the ground of time, because he did not know when government might judge it convenient for their own purposes, to advise a dissolution of parliament. But paltry election views were not to be put in competition with a question of the highest importance to the public. No political arrangement, no interested views of party, should outweigh the paramount duty of investigating a subject in which the lives of human beings were concerned. If a royal commission were appointed, no report could be made before January or February, and in the meantime the whole evil was continued. It had been said, "and wretches hang that jurymen may dine;" but it was now for the first time urged that human beings ought to be executed in order that gentlemen might a little sooner reach their country houses. He saw no reason for delay in the appointment of a committee. The only objection to it was such as ministers alone could create by an early dissolution of parliament. All that was necessary might be done in a month. Even if more time were required, that could be no reason for delegating the functions of the House to a royal commission. The members of that House were the most proper persons to enter into the inquiry. It was objected that it was unusual to refer matters of science to a committee. Was there not a committee some time back

upon weights and measures, a very complicated question which required no small knowledge of the mathematics? Was there not also a committee upon the Elgin marbles? The former committee, though nothing decisive was done in consequence of their report, still brought a very valuable body of information together. An investigation by commission would not, he was convinced, remove the distrust and jealousy of the public. They really believed that there was a compact between the Bank and the government. The appointment of a commission would then appear to them nothing more than the selection of individuals to try their own friends. The public could expect nothing from such a commission but subserviency and collusion. The report of a committee would produce quite a contrary impression. Such reports were of the highest value; they conveyed at all times most useful and important information; they kept up the character of the House, and tended more than any thing else to support the respect of parliament. They were now called upon to desert their functions, and to delegate them to a commission chosen by the Crown, of which it was their duty to be jealous. If they did not maintain towards the Crown a proud but respectful attitude, and towards the people one of protection and support, they would injure their own character, they would fall in the confidence of the country, and alienate from themselves that respect which it was desirable by all means to increase. For these reasons, he would prefer a committee to a commission. The Directors of the Bank, and some of their friends, seemed indifferent which was appointed. He could not, therefore, agree to the amendment.

The question being put, "That the words proposed to be left out stand part of the question:"

Ayes	62
Noes	106
Majority.....	—44.

The Chancellor of the Exchequer then moved, "That the words, 'an humble 'Address be presented to his royal high-'ness the Prince Regent, that he will be 'graciously pleased to issue a commission 'under the great seal for the appointment 'of commissioners to consider of the best 'means of preventing the forgery of pro-'missory notes issued by the Bank of Eng-'land and other bankers, and other nego-'tiable securities,' be added instead thereof."

Lord *Compton* moved, as an amendment thereto, to leave out the words "and other bankers, and other negotiable securities," as it was evidently the object of the House that the inquiry should be confined to Bank of England notes, where alone the evil existed.

The *Chancellor of the Exchequer* said, that he wished the investigation to be general, and not directed merely against the notes of the Bank of England.

Mr. *John Smith* was in favour of the commission, but he saw no pretence for empowering the commissioners to enter into the houses of bankers in the country, upon whom no forgeries had been committed.

Lord *Castlereagh* said, that if the measure was confined exclusively to the Bank of England, it would seem like holding them up invidiously as the only banking company whose notes were liable to forgery. The measure proposed was not a penal one against the Bank of England, but a protecting one, and therefore ought to extend to all bankers who issued notes.

Mr. *Tierney* said, that the right hon. gentleman, by this proposition, wished to soften the inconvenience of the inquiry to the Bank directors by telling them that he thought others as bad as themselves. The whole of the debate of the evening had arisen on the general notoriety that an excessive proportion of the notes of the Bank of England, and of the Bank of England only, were forgeries. To adopt the proposition of the right hon. gentleman would be to commit a gross injustice; for it would be to proclaim to the whole country, that the notes of country bankers stood on the same footing as the notes of the Bank of England, which was not true. With such powers the inquiry would do more harm than good. But perhaps the right hon. gentleman might resort to his old expedient, and say that this proposition of his was a mistake [a laugh].

Mr. *Lyttelton* observed, that there were few cases in which he conceived that it was justifiable to move an adjournment; but that if any one ever existed, it was the present, when a motion was suddenly made affecting the interests and character of a numerous body of people. With a view, therefore, to give farther time for the consideration of so important a question, he would move, "That the House do now adjourn."—The Speaker

was about to put the question of adjournment, when Mr. Lyttelton begged leave to withdraw it until the House should have expressed their sense of his noble friend's amendment to the right hon. gentleman's motion.

Mr. *Protheroe* could see no possible reason for extending the inquiry of the commissioners to the bills and bonds of merchants, for what else did the words "and other negotiable securities" mean? There was no complaint relative to these securities. Commercial men wanted no alteration in their mode of transacting business, and he would decidedly object to have this labour superadded to the inquiry of the commissioners. The result would be, that their labours must be interminable. He had voted for the commission by the Crown, but he would object to its extension in the manner proposed.

The *Chancellor of the Exchequer* said, the hon. gentleman was mistaken when he thought the inquiry would extend to bonds or deeds of any kind. The words "negotiable securities" in ordinary language, and so far as he knew, even in the strictest sense, meant no more than instruments such as promissory notes and bills of exchange.

Mr. *Gipps* begged to know whether, if the commission should be appointed according to the motion before the House, and should report that Bank of England notes, in consequence of their being legal tenders, should, to secure them against forgeries, be engraved in a most expensive way, that therefore country banks would be compelled to have their notes engraved in the same expensive manner.

The *Chancellor of the Exchequer* said, that nothing compulsory was contemplated by the measure.

Mr. *W. Smith* put it to the House, whether the whole tenor of what had been said since the division, did not show that the particular proposition in question, although certainly the words existed in the address moved by the right hon. gentleman, as an amendment to his hon. and learned friend's motion, never entered into the head of any member on either side of the House during the first part of the debate. It met with his unequivocal opposition.

The question being put, "That the words proposed to be left out stand part of the Amendment,"

The House divided:

Ayes	87
Noes	75
Majority	—12

As soon as the division was over, Mr. Lyttelton moved, that the House do now adjourn. Thereupon the Chancellor of the Exchequer said, that rather than have the business of the House interrupted, he would withdraw his amendment, and make it extend to the Bank of England alone. This created some embarrassment, as the House had already voted the amendment as proposed by the Chancellor of the Exchequer, and it was too late to withdraw it.

The *Speaker* said, it appeared to him that the only way of getting out of the difficulty was this: the division having taken place by which it was determined that the whole of the words moved as an amendment to the original motion should be adopted in preference to that motion, it was not competent to move that a part of those words should be left out. The only course, in his opinion, would be to negative the entire address as it stood, with the view of then moving another so framed as to omit the passage in question.

After a few words from Mr. Wynn, this recommendation was adopted, and the address was negatived. The Chancellor of the Exchequer then moved, after the word "that," to add the words "an humble Address be presented to his royal highness the Prince Regent, that he will be graciously pleased to issue a commission under the Great Seal, for the appointment of commissioners to inquire into the best means of preventing forgery of Promissory Notes issued by the Bank of England payable to bearer on demand."

Mr. *Tierney* observed, that he could have no objection to this proposition, if the majority had no objection to it. What pleased him most was the unhappy situation of the Bank Directors, for according to the doctrine of the noble lord, they would, by this motion of the right hon. gentleman, be invidiously held up as persons against whom alone it was necessary to take precautions [a laugh].

Lord *Castlereagh* remonstrated against this remark of the right hon. gentleman as unfair. Using the phrase in its parliamentary sense, it was unreasonable and vexatious. The fact was simply this: his right hon. friend, finding the hon. gentleman opposite disposed to persevere in moving the question of adjournment, and being unwilling that the whole of the pub-

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lic business which stood for that evening should be impeded, had consented to withdraw a proposition to which no very great importance was attached.

Mr. *W. Smith* considered it much better to retract an error than to persist in it, and thought the right hon. gentleman had shown abundant good sense and good temper on this occasion. He hoped that the majority who voted with the right hon. gentleman had also had the good fortune to convince themselves of the unimportance of the proposition in support of which they divided; and if so, he begged leave to congratulate them on their facility [Hear, hear!].

The *Chancellor of the Exchequer* said, he was very ready to acknowledge that he had been in an error. He was sure that those members who did him the honour to vote with him for the other address, would feel that the error was in having contested a point, which, after all, was not worth contending for.

The main question as amended, was then agreed to.

List of the Minority on the first Division.

Aubrey, sir J.	Monck, sir C.
Althorp, visc.	Moore, P.
Barham, J. F	Mordaunt, sir C.
Babington, Thos.	Morland, S. B.
Baring, sir Thos.	Morpeth, viscount
Bennet, hon. H. G.	Mostyn, sir T.
Blair, T. H.	Newman, R. W.
Brand, hon. T.	North, Dudley
Brougham, Henry	Ord, W.
Browne, A.	Osborne, lord F.
Calcraft, John	Ossulston, lord
Carhampton, earl	Parnell, sir H.
Carter, John	Parnell, W.
Cocks, J.	Phillimore, Dr.
Curwen, J.	Powlett, hon. W. J. F.
Douglas, hon. F. S.	Philips, G.
Douglas, D. S.	Preston, R.
Elliot, rt. hon. W.	Romilly, sir S.
Gascoyne, gen.	Russell, lord G. W.
Grant, J. P.	Sefton, earl
Heron, sir Robt.	Sharp, Richard
Hornby, Edward	Spencer, lord R.
Hurst, R.	Smith, John
King, sir J. D.	Smith, Robt.
Latouche, Robert	Talbot, R. W.
Leader, W.	Tavistock, marquis of
Lewis, T. F.	Thornton, gen.
Lloyd, J. M.	Tierney, rt. hon. G
Lyttelton, hon. W. H.	Warre, J. A.
Marryat, J.	Webster, sir G.
Martin, John	Wynn, C. W. W.
Mackintosh, sir J.	

MOTION RESPECTING THE TREATMENT OF COUNT LAS CASES.] Mr. *J. P. Grant* said, that in moving for the correspondence with his majesty's principal secretary of state for the home department, relative to the transportation of Count Las Cases from the Cape of Good Hope to Great Britain, and from thence to the Continent of Europe, he was anxious to give his majesty's ministers an opportunity of disproving the statements which were in circulation with respect to the treatment of that unfortunate individual. If the statement which he had received relative to the treatment of this person were true, he was sure the House would agree that he had been used with most unjustifiable severity. It appeared that he was shipped from St. Helena and carried to the Cape of Good Hope, where he was conveyed, as was stated, by order of the governor there, many miles into the interior of the country, and kept there among savages for several months; that then he was shipped for England; that when the ship in which he was conveyed had arrived in the Thames, he was not permitted to land, but that all his papers were seized, and he himself trans-shipped immediately and conveyed to Ostend. No sooner had he landed at Ostend, than he was seized as a prisoner by the government of the Netherlands, treated with great severity, and then sent as a prisoner to Frankfort, and delivered even to the Prussian government, within the territories of which he was since detained under the surveillance of the police. The House had conferred, by the Alien act, on the government of the country, a power of sending aliens, whom they suspected of dangerous designs, out of Great Britain. It would be in the recollection of the House, that when the Alien act was last passed, among other amendments he had proposed one, that aliens whom the government wished to ship out of this country, should be allowed to fix the place of their destination, if they could procure shipping within a reasonable time, in order that they might not be delivered over bound into the hands of their enemy.* He had then been answered by the noble lord, that to suppose that the government would take the advantage of sending any person out of this country, under the Alien act, to deliver him into the hands of his enemies, was to suppose what was wholly impossible; and when he had argued, that by connexion with foreign governments all power of asylum might be taken away, and that thus the

* See Vol. 34, p. 967.

unfortunate persons who took refuge in this country from their prosecutors, might be delivered into the hands of those very persons from whom they were flying, he was told that such a supposition was altogether groundless, and the amendment was negatived. Perhaps it might not be true that count Las Cases was sent to Ostend in consequence of communications with any foreign governments. Perhaps it might not be true that advantage was taken of that communication to seize him by gens d'armes, and convey him to the Prussian dominions. But even if this was not true, an amendment ought to be introduced into the bill to prevent that from being done which was an act of great injustice. Whether or not count Las Cases ought to have been removed from St. Helena, and conveyed to this country, was a question into which he would not now enter; but at all events it was improper to take advantage of the powers given by this act in combination with any foreign government, to deliver him up to any power to which he was obnoxious. The hon. and learned gentleman concluded with moving for, "Copies of all Correspondence with his majesty's principal secretary of state for the home department, relative to the transportation of the Count Las Cases from the Cape of Good Hope to Great Britain, and thence to the Continent of Europe, together with Copies of all Orders which have been given relative thereto by the said secretary of state."

Lord *Castlereagh* said, that if the hon. and learned gentleman had taken the trouble to inform himself with respect to the treatment of count Las Cases previous to his arrival in, and while in this country, he would have ascertained that the circumstances of that treatment were different from what he had represented them to be—he would have found that the savages to whom he had been sent at the Cape, were such persons as he would find in the house which was occupied by the governor of the Cape, to which he was sent as being one of the best houses of the settlement. The House would not be surprised that the government had thought fit to adopt precautionary measures with respect to count Las Cases, when he informed them that he had been detected in establishing a correspondence between the prisoner at St. Helena, and certain persons in Europe attached to his interest, and that part of this plan was to be carried into execution in this country. The hon. and learned gentleman had said, that he had wished to procure the adoption of a regulation to aliens, not allowed to remain in this country, the power of choosing their own port, and ship, and giving their own time of departure, with the view of preventing any alien from being delivered up into the hands of his enemy,—but that parliament had thought it more advisable to give a discretionary power to government. Had count Las Cases been sent to France, then there might have been some ground for saying, that he had been given up to his enemy; but he had not been sent to France but to Ostend; and he could assure the House, that, as far as he knew, count Las Cases had not the slightest objection to Ostend, and gave no preference to any other port. The government of this country had not delivered him over to any other government, but had sent him to Ostend as the nearest port to which he could be sent, except a port of France. For whatever might have passed with other powers, who might think it more safe that persons of this description should not reside on the borders of France, the government of this country was not responsible. He had been landed at Ostend, as any other passenger would have been landed, from the packet boat. As to any alleged harshness in the seizure and detention of his papers, nothing could be more forbearing than the manner in which he was treated in this respect: his papers were sealed up with his own seal, in his own presence, by the messenger who was sent to inform him that he should not be allowed to land. They were dispatched with the seals unbroken to Ostend; and they were sent to Ostend in the belief that when they reached that place he would be there. When the papers however reached Ostend he had been removed from it, but a letter had since been received from him acknowledging the receipt of his papers in the state in which they were sealed up.

Mr. *Tierney* said, it was certainly very singular, that when count Las Cases arrived at Ostend two gens d'armes should be waiting to seize him. This was not likely in the case of an arrival of which no notice had been given. He trusted that the noble lord would be able to clear up this fact. What difficulty could the noble lord have in producing the papers moved for? The noble lord had said there was no communication with any foreign government on this subject; but it was cer-

tainly a most extraordinary circumstance, that when a man arrives at Ostend in an English vessel, he should be by accident seized by gens d'armes waiting to apprehend him. The papers moved for would show that no communication had been made to any foreign government, to prepare it to seize count Las Cases as soon as he arrived. For the credit of the Alien bill he hoped the noble lord would consent to the production of these papers. The great point to be ascertained was, as it did appear that he was apprehended immediately on his arrival, whether this was not in consequence of a communication made from this government to another government.

Mr. *Goulburn* said, he thought the noble lord had stated distinctly that no communication whatever had taken place with respect to the removal of count Las Cases with any other government. In no country was more tenderness shown to persons of the description of count Las Cases, than the country to the principal port of which he was sent. As to the being seized by gens d'armes immediately on landing, as this information must have been derived from count Las Cases himself, he was rather disposed to doubt it. Count Las Cases was in the habit of stating facts in such a manner as to bear a totally different impression from what the facts themselves would bear. The account he had given of the governor's house was an instance. If he represented facts in this way, which could be so easily ascertained, what credit could be due to statements in cases where no one here could know any thing respecting them? On knowing that he would arrive in this country, information was sent to his wife at Paris, that she might say where she chose to meet him. She said she would prefer meeting him in London, but if not allowed to meet him there, any other port was indifferent to her.

Mr. *F. Douglas* said, it was not denied that count Las Cases had been seized by gens d'armes, immediately on landing at Ostend; but it had been denied that any direct or indirect communication on this subject had taken place with any government of the continent. But would the noble lord affirm, that no direct or indirect communication was made to the ministers of any foreign government in this country, of the port to which they intended to convey count Las Cases?

Lord *Castlereagh* denied that any such communication had ever taken place with the ministers of any foreign government in this country.

Mr. *J. P. Grant*, in reply, said, it was certainly singular that in the country where persons like count Las Cases were treated with most tenderness, two gens d'armes should be in readiness to apprehend him on his landing. If the statement on this subject was not true, this would surely appear from the production of the papers moved for, from which no bad results could arise. He would not put the House to the trouble of dividing. He was happy to hear it stated by the noble lord that there had been no communication with any foreign government on sending count Las Cases out of this country; but he would have been still more happy to have seen this established by the production of papers.

The motion was then negatived.

List of the Minority on Mr. Tierney's Motion on the State of the Circulating Medium, and the Resumption of Cash Payments by the Bank. [See p. 498.]

Abercromby, hon. J.
Astell, Wm.
Atherly, Arthur
Aubrey, sir John
Baillie, J. E.
Barham, J.
Baring, sir Thos.
Barnett, James
Barnard, visc.
Bennet, hon. H. G.
Brougham, Henry
Bankes, Henry
Bentinck, lord W.
Burdett, sir F.
Burroughs, sir W.
Cole, sir C.
Calvert, N.
Campbell, gen.
Campbell, hon. J.
Carew, R. S.
Carter, John
Cavendish, lord G.
Cavendish, hon. C.
Caulfield, hon. H.
Coke, Thomas
Duncannon, visc.
Dundas, C.
Douglas, hon. F. S.
Elliot, rt. hon. W.
Fazakerly, Nic.
Fergusson, sir R. C.
Folkestone, visc.
Finlay, Kirkman
Grattan, rt. hon. H.
Gaskell, Benjamin
Gordon, Robert
Grant, J. P.
Heron, sir Robt.
Howorth, H.
Hornby, Ed.
Hill, lord Arthur
Knox, Thos.
Latouche, Robt.
Lamb, hon. W.
Lambton, John G.
Lefevre, C. S.
Lemon, sir Wm.
Lewis, T. F.
Lloyd, sir Ed.
Lloyd, J. M.
Lyttelton, hon. W. H.
Macdonald, Jas.
Maberley, John
Marryat, Joseph
Mackintosh, sir J.
Madocks, Wm. A.
Martin, John
Monck, sir C.
Morland, S. B.
Morpeth, visc.
Newport, rt. hon. sir John
North, Dudley
Neville, hon. R.
Ord, Wm.
Osborne, lord F.
Ossulston, lord
Plunkett, rt. hon. W. C.
Palmer, C.
Parnell, sir H.
Parnell, Wm.
Pelham, hon. C. A.
Power, R.
Powlett, hon. W.
Phillimore, Jos.

Ridley, sir M. W.	Walpole, hon. G.
Romilly, sir S.	Waldegrave, hon. capt.
Rowley, sir Wm.	Warre, J. A.
Russell, R. G.	Wilkins, Walter
Spencer, lord R.	Wynn, C. W.
Scudamore, R.	Williams, Owen
Shelley, sir John	Wood, Alderman
Sharp, Richard	TELLERS.
Sebright, sir John	Althorp, visc.
Smith, Robt.	Grenfell, P.
Smith, Wm.	PAIRED OFF.
Smyth, J. H.	Cavendish, H.
Stanley, lord	Sefton, lord
Tavistock, marquis of	Taylor, M. A.
Taylor, C.	Webb, E.
Tremayne, J. H.	
Tierney, rt. hon. G.	

HOUSE OF LORDS.

Friday, May 15.

NEW CHURCHES BILL.] The order upon which their lordships were summoned being read,

The Earl of *Liverpool* moved the reading of that part of the Prince Regent's Speech, at the commencement of the session, which recommended an increase of the number of places of public worship, and which was accordingly read.

The noble earl then, pursuant to his notice, proceeded to move for the second reading of the above bill; in doing which he said that he felt he was proposing the most important measure he had ever submitted to their lordships' consideration. It had been his intention to bring forward a measure of this nature long ago, but various circumstances in the situation of the country had caused delay; and it was besides, his most anxious desire that the subject should not be proposed without the most thorough deliberation. It was necessary not only to look at the measure as a whole, but to consider how far it might be practicable in all its details, in order that no crude and ill digested plan might be brought forward. A measure which was the result of his own investigations, and of the deliberations of those whom he thought it his duty to consult, had come up from the other House, and was now to be decided on by their lordships. He should briefly explain the grounds on which the measure had been proposed, referring to the returns on the table of the House, in support of his statement. In considering the important subject of the deficiency of churches, the first thing that suggested itself to many persons' minds, was, that the evil was of so great a magnitude that no complete remedy could be applied. But if this were true to the extent to which it had been stated, or true in any considerable degree, still it would be possible to do a great deal of good, and there could be no reason for not attempting all the good which could possibly be done. He was, however, happy to say that the measure now before their lordships, if it did not come up to the wishes of every man, would at least substantially effect what had been so long desired. It would, in its results, have the most beneficial effects on the religion, morality, and general instruction of thecountry. He had said, that the evil appeared to many so great as to be past all remedy; but those who thought so had taken an erroneous view of the question: they had, like a most respectable individual who published a work some time ago on the subject, considered the proportion between the whole population, and the churches, and estimated the number of that whole which the churches would not contain. A very slight consideration was sufficient to show the fallacy of this calculation. In considering what accommodation would be necessary, it was proper to deduct, in the first place, all those who were in a state of infancy; indeed, the deduction might perhaps be extended, at an average, to all children under seven or eight years of age; next should be deducted, all persons who were too old and infirm to attend public worship. These two classes would be found to form a very considerable proportion of the population, and in the estimate of the latter ought to be included all those detained at home by sickness or accidents. A third qualification of the estimate of the whole population, compared with the churches, consisted in the necessity of persons being left at home to take care of the houses. In no parish whatever did he believe it possible that the houses could be left without at least one individual in charge of each. If, therefore, a sufficient number of churches to contain the whole population were built, a part could not attend divine service, there was still a fourth qualification, founded on considerations connected with dissent; but as the object of the measure was, to remove dissent, he did not wish to give more weight to this ground of deduction than might be thought fairly due to it. In all populous parishes, however, it was certain that great allowance must be made for dissenters. The result of the calculations founded on the

considerations he had stated, was, that provision ought to be made for the accommodation in churches, of one in every three, or one in every four of the population. From the best consideration that he was capable of giving to the subject, it appeared to him that a provision, in the proportion of one to every three, would not be more than sufficient. It was thought, however, by many, that, in parishes of a population of 4,000 and upwards, the proportion of one to four would be all that was requisite. These facts and views considerably qualified the evil, which he was far from wishing to undervalue. If their lordships looked at the returns on the table relative to the state of the manufacturing towns, they would find in them the most urgent motives for taking this subject into their earnest consideration. To supply accommodation for the metropolis, it was proposed to build additional churches in different parishes—in Mary-le-bone, 5; in Pancras 4; in St Leonard's Shoreditch, 4; in St. Matthew's, Bethnal-Green, 4; in Lambeth, 3; other parishes, which he need not enumerate, would have corresponding additions. In the country, the supply would be in a similar proportion to the present deficiency. Manchester, it was thought would require an addition of 7 churches; Sheffield, 4; Stockport, 3; Birmingham, 3 or 4, and so on. The measure brought from the Commons which was to authorize this provision embraced three specific objects. The first was a grant of 1,000,000*l.* towards the expense of building churches; its second object was, to authorize subscriptions in aid of the grant; and the third, to appoint commissioners for carrying the act into execution. The sum proposed to be voted by parliament, he was convinced, would, with due care and attention, do a great deal towards the accomplishment of the object of the bill. It was estimated that it would afford the means of building about 100 churches without any aid from subscriptions. But that the addition to be derived from the latter source would be very considerable he could not doubt, when he recollected what had been done by Liverpool, where no less than 6 churches had been built by subscription. That town, which was very inconsiderable at the commencement of his present majesty's reign, now possessed a population of 100,000, and had 14 churches. With the addition of two more, sufficient accommodation would be afforded for its population. Having this example of Liverpool before his eyes, he could not doubt but that much would be done by private subscription to aid the liberal vote of parliament, and that public spirited individuals would eagerly come forward in every quarter of the country to promote so desirable an object. From the nature of the provisions of the bill, and the judicious exercise of the authority it vested in the commissioners, it might not unreasonably be expected that, with the aid of the subscriptions, from 150 to 200 churches would be built. He was sure that he expressed the feelings in which every person who heard him participated, when he said that it was a duty paramount to every other to support religion, and in particular that established by law, which, without disparagement to any other, he believed to be the most pure. With this feeling, it would be unnecessary for him to point out many considerations, which, in a political point of view, would alone be calculated to induce their lordships to approve of this measure. The considerations to which he alluded were principally to be found in the vast increase of the population of the country within these 20 years. That increase had taken place chiefly in great manufacturing towns; and, with all the advantages the country had derived from the extraordinary extension of its manufactures, it was impossible for their lordships to conceal from themselves this fact—that great masses of human beings could not be brought together in the manner in which they were situated in these towns, without being exposed to vicious habits, and to corrupting influences, dangerous to the public security as well as to private morality. In the manufacturing districts a great want was felt of churches, which their lordships were most imperiously called upon to supply. The disadvantages with which the church had in other respects to contend in those districts of increasing population was another circumstance which deserved the serious consideration of their lordships. He should be sorry to say any thing that might be construed into a disregard to the toleration laws; but it was impossible to look fairly at this measure without considering what was the situation of those persons who dissented from the establishment. Their lordships must be aware that dissenters had in their power to build places of worship in any number, to any

extent, and without any limitation. It was evident then, that the establishment laboured under a disadvantage in that respect; for in building places of worship for the Church of England, reference must be had to the rights of property and to the discipline of the church. Perhaps he might be of opinion that these restrictions were carried too far; but they existed, and could not be overlooked by their lordships in considering this measure; for if the dissenters possessed such decided advantages, it was the duty of their lordships to afford the established church the means of balancing them. The measures lately adopted for the benefit of the poor ought also to be taken into consideration. When the systems of education to which he alluded were first introduced, some persons had entertained doubts of their adequacy and propriety. These doubts had, however, been removed. For his part he had always been of opinion that the benefits of instruction ought to be extended to all classes of his majesty's subjects, and he always viewed with satisfaction the subscriptions entered into and measures adopted for that object: but then their lordships must perceive in this an additional inducement to direct the education which was thus diffused into a proper course. It was their duty to take care that those who received the benefits of education should not be obliged to resort to dissenting places of worship by finding the doors of the church shut against them. By building additional churches, the establishment and the dissenters would be placed on a fair and equal footing. Thus every view which he took of the subject appeared to him to recommend it more strongly to their lordships adoption. Their lordships were acquainted with the nature of the measure which was adopted in the reign of queen Anne. It was then the opinion of parliament, that 50 additional churches should be built for the metropolis. At that time the population of the kingdom was not above one half of its present amount, and that of the metropolis stood in the same proportion. The recollection of that proposition was important, as it showed what feelings had actuated parliament on this subject a century ago; and he was sure that corresponding feelings would be evinced by their lordships on the present occasion. It was proposed that commissioners should be appointed for carrying the act into effect; but under its provision they would interfere as little as possible with rights and property, either public or private. The bill, however, described no positive manner in which it should be carried into effect. Its operation would vary according to circumstances. Some parishes it might be found proper to divide; in others, the provision for additional services would in many cases accomplish the object so much desired, where no church was to be built. In this respect much discretion was necessarily and properly vested in the diocesans; and though some parts of the measure were directed to be acted upon as soon as possible, yet an interval of some years must necessarily take place before it could be in full beneficial operation. He could not anticipate any objection to the vote of 1,000,000*l.* for so important a purpose. It was certainly a satisfaction to him, that at a time when a spirit of economy had been manifested in the strongest manner, and a call had been made for reductions carried to an extent which in some instances he confessed he could not approve, no individual had yet opposed this grant. It was in his opinion highly creditable to those who, in another place, had considered it their duty, after a long war, to diminish as much as possible the public burthens, that they were, notwithstanding, willing to concur in an expense called for by the best interests of religion and morality, and, therefore, conducive to the true prosperity of the country. The noble earl concluded by moving the second reading of the bill.

Lord *Holland* said, he did not rise to object to the bill, for, under certain modifications, he was friendly to it; but he thought it necessary to state the principle on which he acceded to its second reading. As far as it had been stated that a necessity existed for more churches, he agreed. As far as it had been contended that the state ought to lend its assistance, in supplying the deficiency he agreed. But he should be dealing disingenuously with the House, he should be guilty of omission in the discharge of a duty which, however unpalatable, he considered a necessary one, if he did not state, that to this grant, as to a bill without any modification, he did not agree; nor could he agree to many things that had been laid down by the noble earl. It was not necessary for him to follow that noble earl through all the topics which he had then discussed, or to insist on the importance

of this measure; for, in the present state of the country, to say that a measure which went to dispose of a million of money, was a measure of importance, he thought was little other than a truism. But when the noble earl, by a flourish of rhetoric, called it the most important that could engage the attention of the House, he (lord Holland) certainly did wonder that a minister, who had restrained the prerogative of the heir to the Crown, who had called on the country to grant sums unprecedented in amount, who had suspended the liberties of the people—he did wonder that a minister who had been engaged in such transactions, should esteem the building of a few churches a measure of such paramount importance. He agreed, however, that it was a measure of importance. But he thought that a church so rich in endowment as the Church of England, ought to contribute to its own support and increase. The noble earl had said, that one district of the kingdom, Liverpool, (and he had highly panegyrized that town for the part it had acted), had accomplished the objects that were now deemed so desirable, without any assistance from parliament. Satisfactory as it must be to the people of Liverpool to receive these panegyrics from the noble lord, it could not be very satisfactory to them to say, "Now gentlemen, having built churches for yourselves, and at your own expense, we must take more from you to build churches for others;" that was in effect what this measure would do, as all would in reality contribute to its completion. He did not mean to follow the noble earl for it was not necessary to contend with truisms. It was certainly impossible that all the population of the country could attend divine service if there was only accommodation for one fourth of it. It was true that, after all dissent would exist; undoubtedly it would and he thought that this was no evil, and he hoped he should never see it extinguished; for it was impossible that difference of opinion should not exist, and the expression of it could not be repressed but by the unjustifiable hand of power. The noble lord had insisted much on the advantages that the dissenters enjoyed, and the restrictions that were imposed on building church of England places of worship. He (lord Holland) thought those restrictions too many, and he had that morning taken considerable pains to learn the nature and extent of them; but so confused and unintelligible were the statutes on this subject, that he feared after all he was not lawyer enough to explain the nature of them to their lordships. He believed, however, that under the conventicle act of the 22d of Charles 2nd (an act which was a disgrace to the legislature of that and of the present day, and which almost superseded the whole effect of the toleration act), under that conventicle act, persons conforming to the liturgy and doctrines of the church of England, even the parson of a parish himself, were precluded, under severe penalties, from reading service any where in a parish but in the parish church. It was satisfactory to reflect that that law was practically evaded; but still it was disgraceful that it should remain in our Statute book. He was unequivocally of opinion that under the present circumstances of the country the church ought to contribute to its own necessities; when he said contribute, he did not mean voluntary contributions, for those made under the name of voluntary contributions, were often the most forced, the most oppressive, and the most cruel of any; but he meant that, in this instance at least, she should follow the example of a church which, however corrupt, and he thought it the most corrupt of any, had acted wisely and justly in this matter—he meant the church of Rome. By that church, even in countries where she was most powerful, and insolent he might say, it was made a habit and custom to suspend dignities that were not very essential to the cure of souls, in order to make a fund for the rebuilding and repairing of churches: he did not mean that they touched the emoluments of any living dignitary, but suspended the profits of the benefice between the death of one incumbent and the appointment of another. In Spain there was not a cathedral, where four or five canons or prebendaries were not suspended from time to time to provide for the exigencies of the church; and he did not see why deans and prebendaries should not be suspended with the same view in England. The noble earl had insisted that the church should be put on an equal footing with the dissenters, and a pretty manner the present was of putting her on an equal footing. It was no other than saying, "You gentlemen, who pay for yourselves, who pay for your own chapels and your own clergy, in addition to paying tithes to ours, shall also contribute to the erection

of those churches in which you have no interest whatever." He (lord Holland) did not say that they ought not to contribute, but he thought it most invidious in the noble earl to affirm under all these circumstances that they enjoyed advantages beyond the established church. He agreed, however, that the situation of the country did call for a bill of this nature, and thought the noble earl correct in making an apology for its tardy appearance the more so, as a noble friend of his (he might name him as he was not present earl Grosvenor), had proposed a measure of the same sort five years ago. But his noble friend was not then listened to; nor was it then admitted or contended by the noble earl opposite, that this was the most important of all possible measures that could come before the House. The merit of originating this measure was with earl Grosvenor, and with him only; the merit of the noble earl only went to the amount of the sum granted by this bill, and not to the principle of the measure. He (lord Holland) did not say that he opposed the measure; he almost agreed to it such as it stood, and he should cheerfully concur in it provided it might be adopted with some such modifications as he had proposed, and some such sacrifices were made as he had suggested. Upon the whole he concurred in the second reading of the bill.

The Earl of *Harrowby* proposed to answer the only two objections that had been started by the noble baron to the present bill; of which one related to the extent of the provision to be made, and the other to the sources whence it was to be supplied. As to the extent of the measure, if there was any thing erroneous in it, it was not on the side of exaggeration? Wherever there existed an established church, he would assume that it was not too much to expect that at any rate one-fourth of the population should be benefitted by the instructions of their mother church, and enabled to attend its services. Now, he was pained to say, that, so far from that being the case with respect to the established church, the present bill would not provide for the religious edification of even one-fourth of the population of the state. As to the source, it was not expected that parliament alone should defray the whole expense, but that it should be made up partly by parliament, partly by rates, and partly by subscriptions; and to this he could see no objections. But the noble lord had insisted that the revenues of the church ought to be applied in assisting the objects of a measure of this nature. Surely the noble lord did not think that this measure was intended for the advantage of the church, considered with a view to its clergy. Undoubtedly it was not, but for the advantage of religion in general and the community at large; and there was no more reason for calling on the revenues of the church than on those of any class of the society. Lord Bacon had remarked on the spoliation of the church anterior to his time, and though nothing of the kind had since taken place, he confessed he was amongst those who thought that every parliament and government since that disgraceful business in queen Anne's time—(he called it disgraceful, not on account of the sum voted, but because 9 only of the 50 churches ordered were ever built)—that every parliament and every government had to reproach itself with its neglect on this subject: and he doubted much whether the church herself was not seriously to blame, during that interval, for not raising her voice in her rightful cause. The consequence was, that dissenters of every species had the advantage of the established church, by being enabled to open places of worship. The object of the present measure, he considered, of the highest importance, and particularly with reference to those blessings of education which were now happily diffusing through all classes of the people, and to which it was of the greatest importance to afford an useful channel. If, the advantages now proposed were not afforded the church, the general education of children that was taking place would have no other effect than that of turning them into dissenters. It was for the purpose of securing a fair proportion of the people to the established church, that the present bill had been resorted to; and, unless it was adopted in this temper by their lordships, they were incurring a responsibility whose consequences he trembled to think of. To return, however, to the question of merit on this subject, he must beg leave to state that in the midst of the momentuous events of the late war, a dear and lamented friend of his—a friend with whom his fortune and fate had been much connected—turned his attention seriously to this subject; a subject of which the noble lord seemed to him to under-rate the importance. Other measures might be of great import-

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ance at the time, or for any transient period; this was a measure that was not limited in its effects to the present moment, or to passing interests, but concerned all ages and the interests of immortality. All this had been under the consideration of his dear and lamented friend, who was desirous, before he proposed any thing, to collect information as to the wants and deficiencies of the church; and to aid him in that view, he (lord Harrowby) had, in 1810, procured an address for a return of the number of churches and parishioners in the united kingdom.

The Archbishop of *Canterbury* congratulated their lordships and the country that there was no difference of opinion as to the necessity of the measure, or the means of effecting it, but only as to the merit of its origination. He had in his possession a letter from the right hon. gentleman unhappily no more, to whom the noble lord had alluded, saying, that in five days he should have in his hands all the details which would enable him to take some active step; but alas! before the expiration of that time, that worthy minister and man was assassinated! With regard to the project of a noble lord on the other side for suspending prebendaries and canonries, that noble lord knew very little if he thought that the measure could be effected by any such means; they would indeed be slow and inefficient, even if resorted to; for the noble earl who had first spoken had said, that the present grant, large as it was, with additional supplies from other quarters, would scarcely suffice. He thought one mode that had been suggested to supply the deficiency of churches would be attended with considerable difficulty—he meant that of multiplying the number of services. In that case, the services would approach so near to each other, that he feared confusion would be created, and the plan be found impossible. These, however, were things for future consideration; and he congratulated the country, that the measure had met with no opposition in point of principle in either House; a circumstance most honourable to the state, and which must be gratifying to every man who cherished its best interests at heart.

The Marquis of *Lansdowne* thought the measure most indispensable. While the state preserved an established religion, it was their duty to hold out to all the means of performing the duties of that religion. With respect to the mode in which it was proposed to defray the expense of this measure, he did not vote for it because there was any thing in the circumstances of the country that rendered it easy to defray that expense now, but because he should have supported it at any time whatever: he thought, however, such an additional burthen should not be created, except for an object of paramount importance. He did not understand that the measure was to enable the commissioners to extend its objects to Scotland, though it was very necessary there, as there were many extensive parishes without a church: the same was the case in Ireland. But considering the amount of the Protestant population in Ireland, perhaps the measure was not necessary for that country; and if so, he thought the burthen ought to be borne by that richer country which the expenditure was designed to benefit: he therefore felt a difficulty in calling on the Presbyterian church of Scotland, or the people of Ireland, to contribute to this measure; he was interested for Ireland personally, though not for Scotland; but he thought it his duty to state these difficulties, and to hope that the House would legislate on principles of equity. With respect to the principle of the bill, it had his most hearty assent; and he consented to it at a period when he should certainly refuse to agree to national expenditure in another form.

The Earl of *Liverpool* replied, that the same attention was due to the established church of Scotland as to that of this country, as this measure was proposed, not for the church of England alone, but the general cause of religion, in connexion with the well-being of the country at large. He was perfectly ready to admit that Scotland had a fair and undoubted claim to the assistance which was proposed by the present bill. Scotland required that assistance, and, as soon as the returns were made, such assistance would be granted. As to the hardship of drawing contributions from Ireland, it must be remembered that Ireland and Great Britain were united in church as they were united in exchequers; and he did not see how that country could be relieved without admitting the principle that the charge ought in all places to be entirely local. The circumstance of the increase of churches not being required there, was no reason for making an exception in its favour. It might as well be said, that because there were several parishes in England which

did not require the application of the measure, they should not be called upon to contribute their proportion. In Scotland the case was different, as the Union was not so intimate in all respects. It might be hard that places should contribute which did not stand in need of the operation of the measure, but this would be the case with many counties of England.

The bill was then read a second time.

HOUSE OF COMMONS.

Friday, May 15.

WAR IN INDIA.] Mr. *Howorth* rose to make the motion of which he had given notice, in consequence of the recent transactions in the East Indies. Aware, as he was, how little the affairs of India were understood in that House—aware, as he was, of the indifference, not to say the apathy with which the affairs of India were viewed in this country, he should have abstained from troubling the House on the present occasion, had it not been for his conviction of the extreme importance of the late occurrences in that quarter of the world, as connected with the interests of England. The object which he had in view, was purely information. He wished for the production of such documents as might enable the House to form a correct judgment of the causes which had led to the present state of Indian affairs. So far back as the year 1783, the late lord Melville had brought forward several resolutions on the subject of India, which had received the sanction of parliament. One of those resolutions was, that to pursue the extension of the British empire in India by conquest was unbecoming the character and honour of the country. Ten years afterwards, in 1793, that resolution was embodied in an act of parliament; and was now an act of the legislature. The clause is this—To pursue schemes of conquest and extension of dominion in India is repugnant to the wish, to the honour and policy of the British nation, and that it should not be lawful either to declare war or commence hostilities without the express command of the Directors or Secret Committee, by the authority of the board of control. It certainly did appear very extraordinary, that the governments of India should have been so peculiarly circumstanced from that period to the present, that they had uniformly found themselves under the necessity, greater or less, of violating this act of the legislature. Whether the attention were directed in India, East, West, North, or South, the truth of this assertion would be realized and confirmed. He was sure that if any hon. member, not familiar with the transactions in India, were to take up the map and see how comparatively limited our possessions were when that act was passed, and how enlarged they were at present, he would be surprised to observe that an act of the legislature intended to prevent the extension of the British empire in India, had been followed by effects so opposite to those which might have been expected from it. The present war in India was called a war against the Pindarries A term more generally used, than, perhaps, perfectly understood. It was known to every one, that on the decline and fall of the Mahommedan empire, a great number of chieftains set up for themselves, each at the head of a small band of followers. They subsisted by pillaging their neighbours, and their descendants were now called Pindarries. The northern parts of India abounded with them. They collected annually in immense numbers, then divided into distinct bodies, carried on their operations in various directions, committed every species of plunder and outrage, dispersed as soon as they were attacked, and re-united whenever the danger with which they were threatened by their assailants was over. They are, in fact, a roving, predatory body of freebooters, composed of every renegado throughout the whole northern part of India, without any tangible property: when the rainy season commences, they disperse and live upon their spoils till the next season. They have of late years been formidably increased from the disbanded soldiery: one of the effects of the subsidiary system. The British army at present in the centre of India was avowedly there for the purpose of extirpating these robbers—a purpose which, from its constitution, and from the nature of their habits, it did not seem very well calculated to perform. And although we had declared, that our hostility was directed solely against the Pindarries, it was evident that the Mahrattas did not believe us; for the fact was, that the power against which we avowed our intention of acting, was the only enemy that we had not met in the

field. We had fought the Peishwa Holkar, the rajah of Berar, and every power but that identical power which we professed to attack. He hoped that the motions which he was about to submit to the House would obtain their concurrence, were he to state no farther grounds than this—that the governor-general of India was in the field with near 100,000 men, at a distance of 1,000 miles from the capital of Bengal, in the heart of the Mahratta empire, having possessed himself of the capitals of Holkar and Scindia; that troops were marching in every direction throughout India, and that all the Mahratta powers were in arms. Surely it was not too soon to apply for information to know the cause of these events. The hon. gentleman concluded by making the following motions:—"1. That there be laid before the House, Copies or Extracts of all Advices received from the Government of India, relative to the Origin and Progress of the Discussions which terminated in Hostilities with the Peishwa. 2. Copies or Extracts of all Advices received from the government of India, relative to the Origin and Progress of the Discussions which terminated in Hostilities with the rajah of Berar. 3. Copies or Extracts of all Advices received from the several Governments of India, respecting the Aggressions of the Pindarries. 4. Copies of all Treaties concluded between the British Government in India and the native Powers since the year 1804."

Mr. *Canning* said, that he was disposed not only to concur in the motions made by the hon. gentleman, as far as it was possible to do so, but to give the fullest explanation of which the subject was susceptible. He said, that he was disposed to concur in the motions of the hon. gentleman, as far as it was possible to do so; but, with respect to that which related to the rajah of Berar, there was no information to communicate to the House of the sort required by the hon. gentleman. All that was known was, that he was in actual hostility with the British; but nothing had transpired as to the causes of that hostility. With regard to the first of the hon. gentleman's motions, he flattered himself that it would be in his power to make a full and satisfactory return to it; and he was persuaded that it would appear to the hon. gentleman, when he should be in possession of the papers, that, until the Peishwa rose in hostility against us, we had been guilty of no other fault, except perhaps that of placing too confident a reliance on his good faith. As to the hon. gentleman's second motion, he had already observed, that no information had been received on the subject, and he hoped, therefore, the hon. gentleman would withdraw it; assuring him, that whenever it should be in his power to communicate information on the subject he would intimate the same to the hon. gentleman, in order that, if he chose, he might move for its production. With respect to the hon. gentleman's third motion, he agreed with the hon. gentleman, that subjects connected with India were little understood in that House, and that it was very irksome to enter on any topic before an unwilling audience; nevertheless, if when the information came before the House, the hon. gentleman wished for the discussion of it, he should be very happy to meet him upon it. In the mean time, he could not allow what the hon. gentleman had already said to pass without a single remark. It was undoubtedly true, that the Pindarries were not a great substantive state: but when the House were informed, that for two following years, the Pindarries, possessing power amply sufficient for the purposes of destruction, broke into the British territories with fire and sword, committing the most horrid atrocities, and producing the widest and most complete desolation, they would allow that there was abundant cause for the efforts of the British government to extirpate a pest which had proved so fatal to its neighbours, whether under British or Indian sway. He could assure the House, that in what he had just said, he by no means overstated the facts, as they would appear when a return was made to the hon. gentleman's motion. As to the hon. gentleman's fourth motion for the production of the treaties with the native powers, he had not the slightest objection to it; and those treaties, especially that with the rajah of Berar, would fully explain our relations with the powers in question, up to the breaking out of the war. With respect to what had fallen from the hon. gentleman on the subject of our general policy in India, no man could concur more cordially than he did in opinion with the hon. gentleman, that the pacific and the forbearing, was the true and advantageous, as well as the moral policy of our government in that empire. But the hon. gentleman knew as well, and much better than he did, that

with every disposition on the part of the British government in India to bear and forbear, causes of serious difference would occasionally arise, which no prudence could anticipate, and no wisdom avert; and that the position of the British power in India, was such, that whatever difference of opinion might exist as to the way in which it had arrived at its present height, there could be none as to the necessity of adopting every proper measure for its preservation.

The first motion was then agreed to; as were also the third and fourth, Mr. Howorth having withdrawn the second; expressing at the same time, his sense of the extreme importance of the subject, and his intention of bringing it under the consideration of the House, as soon as the necessary information should be accessible.

PRINCE REGENT'S MESSAGE RESPECTING THE MARRIAGE OF THE DUKE OF KENT.] The House having resolved itself into a committee on the said Message,

Lord *Castlereagh* said, that in calling the attention of the committee to his Royal Highness's gracious Message, it would not be necessary for him to trouble them at any length; for all the topics connected with the subject had been so recently discussed, and the general principle on which the House was disposed to act, had been so fully recognised, that all that he felt it his duty to do was, to recall that principle to the minds of the committee, and to propose its application to the present case. The present question had, indeed, to a certain degree, been determined in the late discussions; for although he was not authorized to communicate to parliament the intended marriage of his royal highness the Duke of Kent, yet the treaty for that marriage was so far in progress at the time of the discussions to which he alluded, that he should have thought himself wanting in candour, had he not opened to the House the probability that such an alliance would ere long be concluded. It might, he thought, be collected from the general character of the late discussions, that when a branch of the royal family entered into a matrimonial alliance, approved by the Crown and satisfactory to parliament, the House was disposed to vote such a decent and proper additional income as ought to be granted to a member of the royal family under such circumstances, and not to expect that he could meet his expenses with the same means when married as when single. He thought it might also be collected, that there was no disposition on the part of the House to take into consideration, in their estimate of the proper grant to be made on such an occasion, the casual income which such branch of the royal family might derive from any military situation, whether conferred upon him at home for his past services, or abroad as a mark of honorary distinction. On these principles the House had acted in their grant of 6,000*l.* a year to his royal highness the duke of Cambridge. He proposed, in the present instance, strictly to follow the course adopted by the House on that occasion. He proposed to make the same provision for his royal highness the duke of Kent, and the same dower to his intended duchess, in the event of her surviving him. He did not mean to propose any outfit, as he understood from his royal highness, that, under all the circumstances of the case, he did not wish for it. There were one or two observations which he wished to be allowed to make, respecting the royal marriage at present under consideration. He was persuaded that the marriage itself must be felt by the committee to be, in every point of view, highly satisfactory; and that if any consideration were wanting to recommend it, that consideration would be found in the fact, that the connexion was not new to the country; but that the illustrious female, with whom his royal highness was about to ally himself, belonged to a family, of whose virtuous and amiable qualities the country had already experienced the most convincing proof. He must say, in justice to this illustrious lady, and it was a feature of her conduct highly creditable to her, and which, he was sure, would recommend her to the respect of the committee, that although, when the treaty of marriage was in progress, she felt it her duty not to relinquish the personal guardianship of her children, by her former marriage, she did not extend that disposition to the pecuniary advantages of her widowhood; but that her marriage would deprive her of an income of 3,000*l.* a year on that score, and of other smaller pecuniary advantages arising from her guardianship, amounting, in the whole, to about 5,000*l.* a year; so that the provision of a dower for her, in the event of her surviving her illus-

trious husband was but an act of bare justice. It was due also to his royal highness to state, that he was desirous that 2,000*l.* a year of the proposed income should be settled on his royal consort by way of pin-money. His royal highness had for some years been under the pressure of considerable incumbrances. Those incumbrances his royal highness had met in the most manly and honourable way [hear, hear!]. In consideration of these incumbrances it was not to be expected that his royal highness, immediately after his marriage (in the event of the provision being made, which he was about to propose to the committee), would live altogether in that splendid style which he would otherwise do, and which he would adopt as soon as he was liberated from those incumbrances. They had been principally incurred at an early period of his royal highness's life. His royal highness, it must be recollected, did not come into the enjoyment of a separate income until a later period of his life, than that at which it had been bestowed on other branches of the royal family. Until his royal highness was thirty-two years of age he had only 5,000*l.* a year allowed him by his royal father, and his emoluments of about 5,000*l.* a year from his situation as commander in chief of the British possessions in North America. From the narrow nature of that income arose those incumbrances which his royal highness was now in the course of discharging with so much honour to himself. Under these circumstances he would move, "That his majesty be enabled to grant a yearly sum of money out of the consolidated fund of the united kingdom of Great Britain and Ireland, not exceeding in the whole the sum of 6,000*l.* to make a suitable provision for his royal highness the duke of Kent, upon his marriage."

Mr. *Curwen* said, that however painful to his feelings it might be, he felt it his duty to oppose the present motion. He rested his opposition on two points. In the first place, he did not know that he had ever acceded to any pledge, by which he was bound, in all cases, to make a provision for every branch of the royal family, when a marriage was about to take place. In the present instance, he could not see any necessity for making such a provision as that now called for, in addition to the income enjoyed by the illustrious duke. He differed also from the noble lord on another point. He had observed, that they were not to take into consideration any emolument enjoyed from military or other situations, by the royal family, when a provision of this description was demanded. He never had conceded any such principle; and, if it had not been for the late hour at which the question was brought forward on a former occasion, when a grant was made to the duke of Cambridge, he would have opposed it. When he saw the illustrious duke receiving an income of 25,000*l.* per annum, he could not agree to an additional vote. He considered the situation in which the country was placed, and he could not consent that 6,000*l.* per annum should be added to the existing burthens. He wished to ask, was there no source from which this sum could be derived without coming to parliament?—Had not the illustrious duke parents? Was not her majesty in possession of a very considerable sum, derived from the privy purse? That House had not inquired into the state of the privy purse, and, in neglecting to do so, they had neglected their duty. Out of the privy purse her majesty might have made good the sums necessary to remove the pecuniary embarrassments of the illustrious duke, and thus have rendered an application to parliament unnecessary. He was glad that parliament had at length awaked to a sense of its duty. He was glad they had told the royal family, that, if they chose to contract debts, and did not discharge them out of their regular income, parliament, when applied to—for that purpose, could not conscientiously assist them. In acting as he did, he was not influenced by a desire to do what was agreeable, but what was just. He opposed the motion with reluctance, because he had a high respect for the character of the illustrious duke, but his duty to his constituents and to the country, imperatively called on him to refuse the grant now called for.

Sir *Robert Heron* bore unequivocal testimony to the character of the exalted individual in question, so well known by his constitutional principles, and by the benevolence of his disposition; but in the present overburthened state of the country, if it were necessary to make any addition to his royal highness's income, it ought to be made from those immense establishments maintained only for the purposes of parade and patronage, and which were easily and advantageously susceptible of diminution. After the late discussions he

would not trouble the committee farther on the subject. So far, however, was he from thinking that the grant to the duke of Cambridge was a proper precedent, that if he had had an opportunity of doing so, he should have opposed it as most objectionable, on account of the immense emolument that he derived from Hanover. If it were urged that that emolument was temporary, the answer was, that when it ended that would be time enough to make the proposed provision. To the dower proposed to be granted to the illustrious consort of his royal highness he would make no opposition.

Mr. *Brougham* was persuaded that if the committee were to vote on the ground of the personal character or the private conduct of the illustrious individual in question, the motion would at once be disposed of; for he would venture to say, that no man had set a brighter example of public virtue—no man had more beneficially exerted himself in his high station to benefit every institution with which the best interests of the country, the protection and the education of the poor, were connected, than his royal highness the duke of Kent. But it appeared to him that his two honourable friends, who had just spoken, were perfectly right in saying, that all considerations of that nature ought to be entirely laid aside in deciding on such a proposition as that now submitted to the committee. Laying aside, therefore, all such considerations, he should vote for the motion on the same principle as that on which he had voted for the allowance to the duke of Clarence. Here was a proposed matrimonial alliance, intended for the purpose of supplying the succession to the Crown, contracted with the full consent of the executive government, given in the manner prescribed by the constitution, and meeting with (as it deserved) the sanction of parliament. There was also this additional fact, that the finances of the illustrious individual in question were in such a state as to render parliamentary aid indispensable to the completion of a marriage, which was on all hands allowed to be so desirable. Such was the dry constitutional ground on which the vote rested. That House knew nothing of the personal qualities, of the merits or demerits of their royal highnesses. It was enough that they were princes of the house of Brunswick, the succession of which it was so highly desirable if possible to secure. The only questions were, was the match calculated to obtain that object? Had it received the approbation of the Crown as prescribed by law? Did it deserve the sanction of parliament? If these questions were determined in the affirmative, as they were in the present case, and in the cases of the dukes of Clarence and Cambridge, there then came the last question—Is the assistance of parliament necessary to enable the match to be concluded? To this answer an affirmative was given in the case of the duke of Clarence, on which account he (Mr. B.) voted for an allowance to his royal highness; a negative was given to it in the case of the duke of Cambridge, on which account he voted against an allowance to his royal highness. An affirmative was now given to it in the case of the duke of Kent, on which account he was compelled by his duty to vote for an allowance to his royal highness. This was the only true constitutional ground on which the noble lord's proposition ought to be acceded to, and not the gratitude which every man must feel who had witnessed the incessant exertions of the duke of Kent for the last seven years to forward every object of a charitable and benevolent nature. He wished merely to advert (and that on public grounds) to what had dropped from the noble lord with respect to his royal highness's incumbrances. If he had been rightly informed, those incumbrances had arisen almost entirely, if not entirely, from the delay in providing for his royal highness a separate income. Instead of receiving 12,000*l.* a year at the age of 24, as prescribed by act of parliament, his royal highness enjoyed no income, except an allowance from his majesty, until he was 32. The appointments which had been conferred upon his royal highness had been by no means sinecures. Exposed to the severity of opposite climates, in the West Indies, in Gibraltar, in Nova Scotia, in Canada, his royal highness had spent twelve or fourteen years in active and harassing service without receiving any adequate emolument. His royal highness had also experienced great losses in his baggage, which in the case of an ordinary military officer would certainly have appeared in the army extraordinaries, but for which his royal highness had received no remuneration. His royal highness, however, made no claim whatever on this subject. But the circumstance, added to the length of time during which his in-

come was so limited, and the expense to which the important situation in which he was placed subjected him, had compelled him to incur debts to such an amount that his royal highness had set apart 17,000*l.* out of his present revenue of 25,000*l.*, for their discharge, which it would nevertheless take several years to effect. As on the one hand, he would not be induced by any favours that he might have received from his royal highness, or by the gratitude which, in common with the country, he felt for his royal highness's public conduct, to agree to any preposterous or misplaced expense that might be proposed on this occasion, so, on the other hand, he would not be deterred by popular clamour from opposing that more preposterous and misplaced economy that would refuse to his royal highness the fair allowance to which, under all the circumstances of the case, he was most justly entitled.

Mr. *Methuen* said, he must protest against the grant, though he did it with every feeling of respect towards his royal highness, who was worthy of the greatest regard and esteem. He could not, however, in the present circumstances of the country, agree to the grant.

Lord *Althorp* said, he agreed with his hon. and learned friend in the principle of the votes which both of them gave respecting the other branches of the royal family. He agreed with him, too, that it was most desirable the succession should be kept up in the House of Brunswick; and as it appeared in the case of the duke of Clarence, that a marriage could not take place without some addition to his income, he had agreed to the moderate provision voted to him, thinking that would be sufficient. Certainly, the noble lord had said that that moderate addition would not be sufficient; but it now appeared from rumours that the noble lord was mistaken. It did not appear to him that the marriage of all the branches of the royal family could be considered as any great advantage to the country. It might be desirable that some of them should marry, but it was not desirable that the country should be called on to enable all of them to marry. His hon. and learned friend had assumed that the marriage of the duke of Kent would depend on this vote. But the noble lord, though he had stated to the House that the duke of Kent was under pecuniary embarrassments, did not state, that if the present vote was not agreed to, the marriage would not take place. There was, therefore, this distinction between the case of the duke of Kent and that of the duke of Clarence. He had voted against the grant to the other branches of the royal family, because he did not consider the advantage to arise from their marriage sufficient to compensate the country for the burthen of an additional grant. For the same reason, though he had every respect for the duke of Kent, and though he agreed in the praises which had been bestowed on him, in the present distressed state of the country, he could not consent to vote in favour of the motion.

Mr. *Brougham* wished to say a few words in consequence of what had fallen from his noble friend respecting the marriage of the duke of Clarence. All of them knew that the noble lord opposite assigned as the ground on which he called on the House to consent to a vote of 10,000*l.* a year to the duke of Clarence, that unless the House voted that sum, it was impossible his royal highness could marry. Notwithstanding that ground, the House had voted the lesser sum. But it must now surprise the House, that, notwithstanding the noble lord stated there was an absolute necessity for 10,000*l.* a year to enable the duke of Clarence to marry, it now appeared that even with 6,000*l.* a year it was possible for him to contract marriage.

Lord *Castlereagh* said, he had stated to the House, when he proposed 10,000*l.* as the sum necessary to enable his royal highness to marry, in the understanding that his royal highness should live in England, that it was impossible for his majesty's government to advise a marriage, in the view with which he had proposed it to the House, on a smaller allowance. It was not necessary for him to state to the House what course his royal highness's feelings, and his sense of honour, dictated to him; but he would appeal to the House, if that marriage still took place, whether it would be grateful to their feelings that the sum necessary to enable his royal highness to support himself in a married state abroad, should be derived from any other source than the bounty of parliament.

Mr. *Protheroe* said, that having opposed the grants to the other branches of the royal family, on the ground of the distressed state of the country, he could not conscientiously vote in favour of the present motion.

Mr. *John Smith* considered that the statements of his hon. and learned friend had been correct. There were some circumstances in addition, however, which ought to be known to the House. He believed that his royal highness had received some small sum of money on account of losses he had sustained. The House, however, were not perhaps aware of the exact state of his affairs. For many years his royal highness had not had a larger income than the eldest sons of many gentlemen in that House. He had incurred a large debt, a considerable portion of which had been discharged from the appropriation of a portion of the droits of the Admiralty. When it was considered that he had not had the parliamentary grant till he was 32 years of age, there did appear a sort of want of liberality in the House towards him. It was scarcely necessary to mention what was generally known—the great benevolence, and the useful and generous conduct of his royal highness, of which no man could be ignorant. He had watched the progress of his royal highness; he had seen what he had done for numerous charities, and his constant exertions to advance the interests of many valuable institutions. Those things would be enough to influence him in his vote. But he thought it hard that it should be stated as a reason why he had not had the parliamentary grant till he was 32 years of age, that he had been in foreign service, exposing himself to the yellow fever, and to all the hardships of a West Indian climate. So far from agreeing with that idea, he thought that ought to be a reason why his allowance should be larger. His royal highness had set apart 17,000*l.* for the payment of his debts, and three years, he believed, would discharge them all. A mistake had been made with regard to the present amount of his income; for though 7,000*l.* remained, 1,000*l.* and more had been long paid to certain widows of officers and soldiers, who had been his companions in arms in former days, and he had no doubt that sum would be continued to be paid by his royal highness. He voted for the motion of the noble lord upon principle alone, and he had seldom given his vote with greater satisfaction.

Sir *C. Monck* wished to show the consistency of the vote which he intended to give. When the grant had been proposed to the duke of Clarence as a member of the royal family, he was ready to accede to any grant of money that might secure to his royal highness a proper establishment. He had given his vote for the 10,000*l.* thinking it not too large under all circumstances. But he could not agree with the noble lord, when he proceeded, he thought, in the most improper course which a minister of the Crown could adopt; when he proceeded to take that course which was calculated to record the motive for which that 10,000*l.* had been reduced. When he selected from the other end of the royal family, if he might so speak, a man who stood so high in the public opinion as the duke of Kent, he thought the noble lord went far to display an opinion that had been entertained on the proposal of that former grant. While the marriage of the duke of Clarence was in course, he thought it was not proper that any other member of the royal family should come to the House and ask for an additional allowance for the same purpose. That should not, he conceived, be done till all hopes of increase had ceased from the marriage then pending.

The committee then divided:

Ayes	205
Noes	51
Majority	—154.

List of the Minority.

Althorp, visct.	Lyttelton, hon. W.
Bennet, hon. H. G.	Madocks, Wm. A.
Brand, hon. T. W.	Martin, John
Byng, G.	Monck, sir C.
Burrell, hon. P. D.	Moore, Peter
Calvert, C.	Methuen, P.
Calvert, Nic.	Newman, R. W.
Calcraft, John	North, Dudley
Campbell, hon. J.	Ord, Wm.
Carhampton, earl of	Osborne, lord F.
Carter, John	Portman, Ed. B.
Cranbourne, visct.	Protheroe, Ed.
Coke, E.	Philips, G.
Dowdeswell, E.	Pym, T.
Dundas, C.	Ridley, sir M. W.
Elliot, rt. hon. W.	Sebright, sir John
Fane, John	Sefton, earl of
Folkestone, visct.	Sharp, R.
Ferguson, sir R. C.	Shelley, sir John
Guise, sir Wm.	Stanley, visct.
Heron, sir Robt.	Tierney, rt. hon. G.
Hornby, Edw.	Waldegrave, hon. W.
Hurst, Robt.	Webb, Ed.
Latouche, Robt.	Wynn, C. W.
Lambton, John G.	TELLER.
Lefevre, C. S.	J. C. Curwen.
Lloyd, sir Ed.	

Lord Castlereagh next moved, "That the sum of 6,000*l.* per annum be settled upon her serene highness Mary Louisa Victoria, princess of Leinengen, when she shall become duchess of Kent, in case her

highness should survive his royal highness the duke of Kent, to be issuing and payable out of the consolidated fund of the united kingdom of Great Britain and Ireland."—Agreed to.

ALIEN BILL.] Lord Castlereagh moved the second reading of the Alien Bill.

Mr. *Lambton* confessed, that it was with no small degree of surprise he witnessed the introduction of this bill the other night. He was surprised that in a period of profound peace an Alien bill should have been twice submitted to their notice.—This could only be accounted for from the idea which the noble lord entertained of the subserviency and pliability of parliament, an idea which he could not but think well founded when he saw what passed in the House last night [Hear, hear!]. The noble lord had ventured to tell a British House of Commons, that this Alien bill was a mitigated system; but it was a system which was at variance with every principle of our constitution—a system which violated at one blow the spirit of those ancient regal enactments which protected the liberty of all residing within the realms—which was in direct contradiction to an express provision of Magna Charta, and which went to destroy every thing that distinguished the constitution of this country from the arbitrary governments hitherto held up to the scorn and execration of all Europe [Hear, hear, hear!]. Up to 1793, the policy of this country had been to protect all foreigners who selected this country for their residence. This spirit pervaded every act of our legislature, which had any relation to foreigners. Had the same spirit which commenced with the continental tyranny introduced under the auspices of the noble lord, then prevailed in this country, would England have profited at she did by the revocation of the edict of Nantz? The asylum given to these persecuted foreigners, had laid the foundation of those manufactures which had given to this country a superiority over every other country in the world. Even the bigotted Catholic monarch who then filled the throne of these realms, protected the Protestant subjects of France, driven from their country for adherence to their religious opinions.—James 2nd felt himself bound to receive those Protestant fugitives, from a conviction of the benefit that would arise to this country, even at a time when he was dispensing with the Test act in favour of his Catholic officers—when he was authorizing the cruelties and inhumanities of Kirk and Jeffreys, and pursuing, in all other respects, that system of bigotted persecution, which ultimately and happily ended in his expulsion from the throne. He mentioned those facts merely to show that in all times had foreigners enjoyed liberty and security in this country, even when the country was subject to all the danger which threatened it from a pretender to the throne. In 1793, the Alien bill was first passed, on the pretence that we were threatened with great danger from the resort of foreigners to this country. He would not now enter into the question, whether this pretence had or had not any foundation in truth—but certainly, whatever grounds there might be for an alien bill in 1793, there could not be the same now. That bill was a war measure; and stood on decidedly distinct and separate grounds; and unless it could be proved that danger was to be apprehended to the tranquillity of our own government from the machinations of aliens, whose countries were in avowed and open hostility to us, he must assert that no precedent could be drawn from the adoption of that measure. We were now at peace and amity with all the European world—all revolutionary doctrines had been annihilated by the sad experience of the last twenty-five years, their fervour and violence having subsided first into a military, and latterly into a legitimate despotism. The success of the coalesced powers of Europe had succeeded in repressing the ambitious encroachments of Napoleon, had hurled him from his powerful and elevated situation, and replaced on the vacant throne of France the exiled family of the Bourbons. In every corner of Europe had legitimacy raised its head. That cause had been strengthened by the treaties and associations of monarchs, and acknowledged as the watchword of peace by the noble lord himself at the Congress of Vienna. In furtherance of that object he had planned and executed the spoliation and partition of whole countries—divided populations possessing the same manners, language, and customs—separated subjects from a monarch whom they respected and venerated—handed over independent states to sovereigns whose rule had been immemorially the object of their detestation, and in the nicety of his calculations, as purveyor to legitimacy, had

even divided his human merchandise into souls and half souls; and all this was perpetrated to ensure the safety of legitimacy, and according to the noble lord's mode of reasoning, the general peace of Europe. But had he not succeeded in all these objects? Had one single event occurred since the period of these proceedings to justify the present measure? Every act of spoliation had been carried into effect; and, according to the noble lord's own showing, there was no danger, no hostility to be apprehended from any foreigners whatever. As then, the noble lord persisted in urging the adoption of this measure, notwithstanding he could not undertake to state that any danger was to be apprehended from foreigners, they must look to other causes. What he was about to state, he believed to be the real and true cause:—the bill was not introduced for the purpose of protecting these realms from danger, but for the purpose of assisting tyrants, and upholding continental despotism [Hear, hear, hear!]—for the purpose of annihilating that small spot of liberty, that refuge from oppression, which had once existed here to the honour and glory of the British name [Hear, hear!]. It was once the boast of Englishmen, that the moment the feet of a slave touched the British soil, he became free. It was every where repeated, that however much slavery and tyranny might degrade and oppress human nature in other countries, here they had no power—however much they might elsewhere persecute all parties, sects and opinions, from the moment they reached the shores of England, that persecution ceased.

> That sacred isle!
> Cut off from the continent, that world of slaves:
> That temple built by Heaven's peculiar care
> In a recess from the contagious world,
> And dedicated long to Liberty.
> That health, that strength, that bloom of civil life.

But he would ask, could that description which was justly applied by the poet to this country, even in 1745, be any longer considered appropriate?—The noble lord, who now desired the renewal of the Alien bill, proposed it without any other view than that of subserviency to continental politics. If the noble lord maintained that it was not framed with that view, he would call on him to pledge himself that it would not be put in execution against any of the persecuted individuals, who could now only find a secure asylum in this country—he meant those unfortunate men who were proscribed by the king of France, after his being a second time placed on the throne of France by the allied troops. In considering this bill as it must necessarily apply to the case of those individuals, he should very shortly call the attention of the House to the nature and history of that proscription. If no Alien bill existed—if that liberty of action had been still accorded which it was once the noble policy of this country to extend to all foreigners whose countries were in a state of peace with us, he should not have deemed it necessary to express in that House any sentiments but those of mere commiseration for the fate of victims of tyranny and oppression—sentiments which he was confident would be echoed by every man both in the House and out of it, who was not subservient to the mandates of that policy which had been pursued by the allied powers during the course of the partition of Europe. But it was the object of the noble lord to prevent those unfortunate individuals from availing themselves of that protection in this country, which was due to all who conducted themselves peaceably in it, thus rendering the government of this country the accomplice of measures which history would describe as most tyrannical and unjust. When the valour of our troops a second time placed the fugitive Bourbon on the throne of France, it was the wish of all that that ruler should not, by the exercise of arbitrary power, endanger the tranquillity of Europe. Nevertheless, a fortnight after the restoration, an edict came out against thirty-eight individuals, banished them from Paris, and placed them *en surveillance* until their fate had undergone the decision of the French legislature. By that edict, the king not only violated the promise which he had solemnly given in the face of Europe, but he trampled by it the provisions of that charter under foot which he had voluntarily sworn to observe. Whether it was his love of revenge, or a wish to impress on the world the idea that an extensive conspiracy existed in France that induced the king to pursue this line of conduct he knew not;—if it was the former, it needed no comment—if it was the latter, he must say that no failure had ever been more complete or disgraceful; for the French government had six months to establish their facts against these men

—that they spared no pains is easily to be believed;—the parliament had been long assembled—almost all the proscribed had surrendered themselves, although they had every means of escaping; and the remainder, who had taken refuge without the French territories, had also declared their willingness to surrender themselves when a constitutional mode of trial was guaranteed to them. In this state of things what did the French government do? Unable, after all their attempts, to substantiate any thing against those individuals, which by the laws of their country would subject them to punishment, they pretended that the publicity of a trial would endanger the public tranquillity; and they demanded from the parliament of France a measure of proscription against them, without allowing them to be heard in their defence. Even those men who were about to revive those feudal institutions, which, happily for France, were destroyed with the revolution, and who looked on any attempt to oppose the will of their sovereign as little better than sedition; even these ultra royalists viewed this proscription with horror; and the king obtained the power wished for, on a promise of banishing those only who were most dangerous. The king obtained that power, but how did he use it? In the spirit of clemency? All those individuals had been banished, and in three years not one had been allowed to return. That all of them deserved this severity he denied—many of them were in no other respects guilty than in having fought for their country in the field of battle, or served it in the cabinet, and many of them had never even taken part in any of those political events and changes which had so greatly agitated France during the last five and twenty years. These unfortunate men were now exiled from their country, and under the existing system of the continent, which the noble lord wished to extend to this country, they found all hospitality cut off from them. Against these unfortunate men all Europe were leagued;—if one of them happened to be living in any corner of Switzerland, the Netherlands, the banks of the Rhine, or in any of the small states of Germany, he was seized by the police—treated as a felon—and handed over with every barbarity to the place allotted him;—if one word of complaint escaped him, he was answered by the Treaty of Paris and the Holy Alliance, and he was hurried off to the town allotted to him in Austria or Prussia, to be watched by spies—such being the system of continental police, was it honourable and advantageous to England to contribute to support it? And that this was the object of this bill he could not doubt, when he saw his majesty's ministers, in the midst of a complete and uninterrupted peace, call on the Houses of Parliament to suspend one of the dearest privileges of the constitution — that which insures the liberty of all strangers visiting its shores —and, in addition to that, when he recollected that the noble lord (Castlereagh) had joined with the allied powers to drive those French exiles from any asylum they might have, either in Switzerland, the Netherlands, or the Banks of the Rhine, and hand them over to their enemy, he could no longer doubt that the bill was but a pledge of the cooperation of England in measures which must inflict a stain on the national character? He implored the House to pause before they armed government with this power, which could only be exercised against those who had incurred the vengeance of foreign powers. For if it was not against such persons that this bill was directed—if it was not for the purpose of assisting foreign governments, it could then only be justified by an apprehension of danger to this country from the attempts of these men—surely if their constitution was to be overturned by the machinations of thirty-eight men—outlaws from their country—fugitives without means of intimidation or corruption, it had indeed become unfit for the purposes to which it had been assigned by our ancestors. It had then become what he very much feared the noble lord wished it to become—a constitution for show, and not for use—a constitution to be viewed at a distance as a fit object for speculative admiration, but one which in hours of doubt or danger was to be abandoned as ineffective, and replaced by the more effectual—the more energetic—the more legitimate power of military despotism. He knew not whether the condition of the French government would justify one or the other supposition; but this he might without hazard assert, that if the majority of the people of France, or any considerable part of them, were friends to the government now established there, it was ridiculous to suppose that a small number of exiles could endanger it. But if the people of that country universally thought that their government was

imposed on them by foreign arms—if they beheld it as a monument erected by the pride of their victorious enemies on their degradation—if, in short, that government was despised and detested, was it then to be avowed that, for the purpose of sustaining the unwieldy fabric, for the erection of which they had already sacrificed 500 millions, it was necessary that they should sacrifice what, in his estimation, was far dearer to them—their rights, their constitution, and their honour? Under a despotic government the monarch alone answered for the demerits and dishonour of its acts, but in this country every act passed was justly considered as emanating from the people. As their representatives the House was bound to reject every measure affecting their honour and character—every measure containing principles subversive of the laws of honour and of justice: such a measure was the one now before them, and as such he called on the House, if it repented not of having shown its independence on a late occasion, also to show its independence in a case where the honour of their constituents, the people of England, and the protection of the constitution demanded, in a far greater degree, the same exertions. He should therefore move as an amendment, "That the bill be read a second time that day six months."

Mr. *Protheroe* said, he must oppose the amendment. He conceived that ministers would not deserve any credit for what they had done, if they exposed the country to any further dangers, by allowing indiscriminate protection to every person who might visit its shores. From the returns on the table, it appeared, that the greatest moderation had been exercised in the use hitherto made of the power vested in ministers by this act. He should therefore vote in favour of the second reading of the bill.

After a pause, a division being called for,

Mr. *Lyttelton* said, that it appeared to be the wish of gentlemen on the other side that this question should not be much discussed. He was surprised that they had got nothing to say in defence of their measures, especially as what his hon friend who moved the amendment had stated against the present bill deserved their utmost attention. He felt much reluctance in rising to say any thing on a subject of the greatest magnitude and importance, considering that it was regarded in that House with such indifference. He had, however, a peculiar reason for offering himself to their attention, and he felt it his duty to state a case which had come to his knowledge, and which showed the consequences of this measure on the unhappy victims. He had in 1816 stated the case of M. Befort.* This man had been sent out of the country in 1813, although he had been established in this country and had property to the value of forty thousand pounds. He returned in 1814, and though he had stated, through the proper channel, the necessity of making some arrangements respecting his affairs, he was again sent away in less than twenty-four hours. He had kept a shop in town, and sold what was supposed to be an effectual cure for the gout, under the name of Eau Medicinale. If this gout-curer, this seller of drug-water, conspired against the peace and stability of England, the noble lord and the secretary for the home department might be justified, but they ought to show that he could be reasonably suspected of any such conspiracy. If not, the House would consider that they exposed individuals of peaceable habits and considerable property to be thus sent away from the country of their choice, and the property acquired by their industry, without any means of making their case known, but only through individuals like himself. When M. Befort had come to this country in 1810, he had been patronized by many gentlemen of distinction, particularly by Mr. Crawford and by Mr. Reeves, of the Alien office. When he was sent away on the 6th of August, 1813, he went to Portsmouth, accompanied by a person whom he would not name, but whom he could mention to any gentleman if required to do so. This person examined him in Portsmouth, strictly and personally, and in a very indecent manner. He examined, at the same time, a large trunk he had, although it had been made up in his presence. A portfolio was seized. He left the key of this depository of a suspicious musical instrument with captain Wodriffe, an officer of character he believed. After he had left the country, then, for the first time was discovered in the bottom of this portfolio, which had been previously examined, in presence of captain Wodriffe, a correspondence of a very extraordinary

* See Vol. 34, p. 968.

and certainly of a very alarming character —it was a correspondence between the pope, the Irish catholics, and the father of the order of La Trappe. The very names at once impressed the noble lord, the home secretary, with terror and alarm [a laugh]. This was the kind of forgery, of all others, most likely to effect the object desired. The mention of such a correspondence was enough, and M. Befort was said to be the gentleman through whom it was conducted. But if any foreigner had really been engaged in such a correspondence, he should say that he was amenable to the laws of the country, that his life was forfeited, or at least that he could be visited with adequate punishment. But the unfortunate foreigner whom he had mentioned had been sent out of the country for no such cause. The person who accompanied him, as he had said before, had a design upon his property, and actually appropriated 400*l.* or 500*l.*, found in his portfolio, to himself. He must, however, mention a striking inaccuracy connected with this case—an inaccuracy, or at least a discordance, with a formal document, which might in the opinion of that House disprove all he had said. The return made to the House, which he held in his hand, represented that no person had been sent out of the country in 1814. If this was incorrect, then the whole account might be incorrect, and they had no return of the number of aliens who had suffered under the operation of this measure. If the act was to be carried into execution in a clandestine and private manner—if persons were to be sent out of the country God knew how or when—what a horrible engine was put into the hands of ministers! But if the three persons mentioned in the return were indeed the only instances that could be given in justification of the bill, he could not avoid putting it to the magnanimity of the House, whether, for the sake of such instances, they thought it worth while, in opposition to ancient practice, in opposition to the principles of our constitution, which had distinguished our ancestors and rendered our country the favoured land, where persons and property were secure from persecution, violence, and outrage—he put it to the magnanimity of the House, whether it was worth while, for the sake of three individuals, to offer violence to the usage of our ancestors and the principles of the constitution, and in a manner which left to foreigners no redress at all for any outrage or wrong. If such principles were, indeed, to be sanctioned in England we were subject to a mere simple despotism. Those who conducted our administration were gentlemen, he admitted, and honourable men; but they had never manifested any feeling of sympathy with the sufferings of their fellowmen under oppression and tyranny. They had aided and promoted despotism all over Europe. They had never failed to support the powerful against the weak and injured [Hear, hear!]. Gentlemen did not perhaps, feel it to be a very serious and alarming evil, because it was only a system of injustice and cruelty to the weak and helpless; but to him it appeared, for that very reason, eminently entitled to attention, and calculated to excite the justest indignation. A case like the present was peculiarly galling to the feelings of an Englishman in a foreign country—and at present many were the Englishmen scattered over Europe—when he could not hold up his head, and whatever might be his personal character or conduct, boast that England was distinguished for the vigour of her trade, the magnanimity of her politics, and, above all, the liberality and generosity of her institutions. This consideration touched him very nearly, and if others regarded it with indifference, he must say, that much of the character of Englishmen—much of their feelings and principles—were gone.

Mr. *H. Clive* said, he believed the cause of omitting the case alluded to by the hon. gentleman in the return was, that the return went back only to 1814, and that the person in question having been sent out of the country in 1813, it was not thought proper to mention his being sent away a second time in 1814. He knew nothing of the case, but he would inquire into the cause of the omission of it in the return. It should be recollected, however, that we had been at war in 1813, and that greater severity was, therefore, necessary. As to the present bill, he must observe, that there were a number of persons in France who knew only the trade of war, and if they were allowed to settle in this country, their whole object would be to excite war. This country had surely a right to protect itself from such an evil.

The cry of "question" became now loud and general, and the gallery was ordered to be cleared, when

Lord *Folkestone* rose. He said, he

thought it most indecent conduct on the part of ministers, not to offer one word in defence of a bill which had excited so much apprehension and dissatisfaction as the present. He, for one, should feel it a duty he owed to the character of a country, which had at a distant period of time, afforded to his own ancestors that shelter and hospitable asylum for which this nation had hitherto been so justly celebrated, in the strongest terms to protest against this odious libel on the national character. This measure was hostile to the spirit of the constitution, and the uniform policy of the legislature. from the time of Edward 3rd, down to the year 1816. The policy was to cherish and encourage an influx of foreigners, who advanced the manufactures, commerce and literature of this country. He yet waited to hear a single argument for a discontinuance of that policy which their ancestors had followed with so much national advantage. This advantage was not confined to the pecuniary considerations attendant upon the commercial pursuits of foreigners; it established a character for the country, as the place of refuge for those who fled from the tyranny of their own governments: it made England the rallying point for freedom and liberty against oppression and injustice. It had been hitherto our boast, that every foreigner who came here was not only free in his person, but secure in the enjoyment of his property, while obedient to the known laws of the land. That bulwark of open trial and fair security was now to be taken away,and the bill before the House would open the door to the machinations of every secret spy against any foreigner upon whom he might fix his attention. The statement of his hon. friend near him, was a striking proof that such machinations had been at work. Malice and espionage would now have a fine field for the exercise of profitable speculation. An allusion had been made to the returns presented to the House: on this subject all he should say, was, that though three persons were only sent out of the country by the late bill, there was no information to show what was the nature of their cases, or whether they were not of the most oppressive and uncalled-for kind. But besides this, the returns only alluded to aliens sent out of the country: there was no statement to show that the powers of the bill had not been coercively applied in the country. If, however, it had been only found necessary to send three individuals away, he was at a loss to see the necessity of the bill. Surely, for so small a number, it was hardly worth legislating on such a scale, unless indeed some gentlemen thought that the country was less able to resist aggression than he was willing to believe she was. It had been said by the noble lord opposite, that it was better to prevent than to punish crime. This was true enough in a moral, and, to a certain extent, a political point of view. In the case of forgeries, for instance, it was right to take away as much as possible the temptation to commit the crime; but when the supposed evil was to arise from feelings of human nature, which laws could not adequately control, then, indeed, the principle, which was good in equity, became inapplicable to the law of a free state. It had also, like most of the measures of the noble lord, besides its unconstitutional character, a tendency to embody despotic provisions in the system and practice of British law. It was, to all intents and purposes, a repeal of the policy which characterised this country in past times, and of the good, sound, constitutional principles which had led to the wealth and power of the country. In addition to these deep infringements of constitutional principle and free law, it went to rear up in the country those pests of society, spies and informers, whose evil influence had been already so fatally felt. He would therefore enter his solemn protest against this measure, as being subversive of the most ancient and generous policy of this country towards foreigners.

Mr. *C. Grant*, jun. said, he was not less sensible of the great blessing which we enjoyed from the wise and generous policy of our ancestors towards foreigners than any other member, but he conceived that the present bill was not incompatible with the full and free enjoyments of civil liberty, by those persons who resided here under the protection of the British constitution. The noble lord seemed to be mistaken when he asserted, that all the protection which had been given to foreigners was given to them as such. There were many ancient statutes ordaining such protection, but it was not given to them merely as foreigners, but as merchants and traders. They were protected as such by the great charter, but it was expressly stated, that such protection was given on account of their importance to the country as merchants and traders. Aliens generally

were subject to many disabilities to which British natives were not liable, but from a great many of these disabilities, aliens, being merchants in this country, were exempted. When this question was before the House on a former occasion, it had been stated, that aliens were subject to the prerogative of the Crown; and he conceived that the same power which the Crown possessed of preventing its subjects from leaving the country, might, by a parity of reasoning, be used to prohibit foreigners from entering it, when the safety of the state required it.—The hon. gentleman then contended, in a forcible and eloquent manner, that when the present state of Europe was considered—when it was recollected that attempts at assassination had been made in furtherance of political principles—when the horrible state of moral degradation to which the revolution of 1793 had given rise, was viewed in its proper light, it could not be denied that there existed a mass of revolutionary materials, which required the utmost caution to prevent from again producing those atrocious plots and conspiracies, from the effects of which the nations of Europe had already suffered so severely. For a period of one hundred and fifty years, since the peace of Westphalia, there had not been such a revolutionary spirit, nor such a combination of disorderly elements as then existed in Europe. The actors in those scenes that had for the last five and twenty years plunged Europe in war and bloodshed, found no solace but in the hope of new disorders; and were such men to be admitted indiscriminately into the bosom of the country? He spoke not of foreigners in general, but of those who had waded through all the scenes and all the horrors of the revolution, who had at one time worshipped the Goddess of Reason, and at another Buonaparté. He did not wish that England should be the gathering place, the city of refuge, to apostates and traitors. These men had been thwarted and blasted in all the plans they had been forming and maturing for the last twenty years, whether as Jacobins or Buonapartists. And by whom had their plans been detected and defeated? By that country into which it was the object of the bill before them, to prevent their admission. Were there no materials in this country upon which they could operate? The subject was a painful one, but the House was aware of what had taken place in the course of the last two years. But incendiaries were not to be admitted into the bosom of the country to trifle with our liberties, lest some (however few) should bid them welcome. Notwithstanding what had fallen from the noble lord, he must contend, that in many cases a system of prevention was the dictate of sound policy. It would be a mischievous policy to wait until the danger arrived—to allow combustibles to be thrown into our houses, and to console our minds with the reflection, that when the flame was lighted, we could throw ourselves out of the windows. He fully felt the forcible appeal made to the House by the noble lord, on the subject of foreigners coming to settle in this country; and the reception that had been afforded them was a proof of public virtue. In all the countries where foreigners of that description had sought refuge, their descendants had subsequently attained the first honours and distinctions of the state. But that fact did not militate against the principle of the present bill. Admitting that it was an evil that any description of foreigners should be excluded from the country, yet still, in a case where the public safety was concerned, of two evils the least was to be chosen. Such a proceeding would not injure our name and character among foreign nations; or, should it have that effect for a time, the national character would ultimately be amply redeemed. In the year 1793, and from that time downwards, the same predictions as were at present made had been uttered with equal confidence, and had been fully falsified by the result. In what period of our history had so many foreigners enjoyed the hospitality of our shores as for the last twenty-five years? Neither the time of queen Elizabeth nor that of the Revocation of the Edict of Nantz afforded any parallel, and the future historian would select the period alluded to as one the most honourable to the national munificence and hospitality. Within that period foreigners had repaired in thousands and tens of thousands to the shores of this country. The Alien act had been dangerous only to the guilty, and not to those who had fled from the rage of persecution. At the present moment, there were 20,000 foreigners residing in this country enjoying the protection of its equal laws. Conceiving the bill to be perfectly constitutional and indispensable to the safety of the country, he felt him-

self bound to give it his support, and to vote for the second reading.

Mr. *F. Douglas* rose and said:—Sir; I feel the disadvantage under which I labour in rising immediately after the able speech of my hon. friend. I cannot pretend to his eloquence, though he will excuse me if in this instance as on some former occasions, I am of opinion that he has wasted it on a subject which is not in fact before the House. My hon. friend has with powerful ability descanted on the morals and atrocities of the French revolutionists and on the mischievous intentions with which the survivors of them are disposed to overrun Europe. The question before us is not with respect to the character of foreigners who may choose to reside in this country, but whether there is any danger in admitting that residence—whether the proposed prohibition of such residence is consistent with the constitution and character of Great Britain. Now, Sir, whatever that danger may be, I feel that the principle on which the measure recommended by the noble secretary for foreign affairs to counteract the mischief is founded, and the arguments by which it has been supported must be contemplated by any one solicitous for the maintenance of our constitutional rights and our national reputation as infinitely more pregnant with alarm. On a former night the noble lord said something about the preamble of this bill. I was anxious to see it printed, for the purpose of exactly ascertaining the avowed object of the measure; but it now appears that the preamble, or rather the preamble maker assigns no reason—the accountant-general of the administration, the person to whom the difficult task is assigned of finding reasons for his majesty's ministers, is actually at a loss to put any one reason on record to justify the measure he has drawn up. He thinks it safer to invite us to pass this important bill, without any recorded reason on the face of it to justify its enactment. Thus it appears that the noble lord and his colleagues are more anxious for their own vindication at present than for that of the House with posterity. But, are gentlemen aware of the inordinate powers they are about to confer by this bill? Are they aware that it enables a minister of the Crown to send any alien who may be domiciliated among us out of the kingdom—to tear him at a moment's notice from his family and connexions, and send him perhaps to that country where he is the most obnoxious, without the appearance of a prosecutor, and without the name of a crime; without trial, without counsel, without hearing? It is true, as has been stated by the noble lord, that there is a reservation in the bill—an appeal is granted to the alien when he conceives that power is unjustly exercised towards him. But what is it but to add mockery to injustice to allow of an appeal of such a nature—an appeal from the minister who may abuse the act to his colleagues who conferred on him the power of abusing it—an appeal from the injustice of lord Sidmouth to the impartial decision of lord Castlereagh!

And it is upon such grounds as those stated by the noble lord, that we are called upon to place 20,000 individuals, many of them connected with us by every tye of relationship and common pursuit, out of the protection of those laws to which they are compelled, equally with ourselves, to pay obedience. It is upon such grounds as those that we are permanently to introduce the anomaly of a tyrannical power into the code of our free laws,—laws, every enactment of which breathes a spirit of care for the rights of the individual and of resistance to the encroachments of power. I have used the word "permanently" advisedly; because I am justified in stating that this measure will never be relinquished, if I can prove that no state of things can be contemplated in which such a law could be less necessary than at the present moment. This law is calculated to meet an external danger, a danger not merely to our foreign policy, for with this object it must be co-existent with our government itself, since no change can take place or be intended in any part of the continent that may not be some how or other connected with the external policy of England.

To condense the arguments in favour of this bill, they all resolve themselves into this—that it is a measure against danger, external in its origin, but internal in its effect. It was originally a war measure, and the effect of a war too of a most extraordinary character. I have heard a great deal of the distinction between the peace Alien bill and the war Alien bill, but I cannot comprehend the subtlety of some gentlemen's reasoning. I see in both one and the same great ruling principle, which leaves the person and property of the alien in the hands and at

the summary disposal of the minister, and establishes an arbitrary power within the realm of Great Britain. My. hon. friend who spoke last in the fulness of his candour, says, that the circumstances of the present time and of the time when the bill was first introduced are certainly not similar in all their parts. But are there any two of them alike? The war of 1793, when the bill was first introduced was a war unparalleled in the history of the world—it was a war which has been emphatically termed a war of principles, not of men—it was a deadly contest for the universal establishment of opinions which at the time found able and numerous abettors in every state in Europe. At such a moment the external danger was mighty, and the internal co-operation not unimportant. Strong evils require strong measures, and they were then applied. But has the noble lord opposite the hardihood to say that there is at present any thing in the external dangers of the continent which is likely to act on the internal system. My hon. friend has expatiated on the lingering spirit of Jacobinism. If by Jacobinism he means the discontent felt by certain individuals at the existing order of things in their respective countries and their practices where they have the power to change it, then, indeed, can we never hope to be without this law. But if by Jacobins he means what remains of Buonaparté's followers, this danger must indeed be visionary here, when it is so little felt in France, the great hot-bed of its activity, that many of the colleagues and chief agents of Buonaparté himself are now the ministers and principal supporters of the Bourbon government.

But the noble lord affects to feel considerable alarm from a few French emigrants in the Netherlands. What must be the stability of the system which the noble lord and his diplomatic colleagues have arranged on the continent, if it can be shaken by the machinations of the miserable outcasts and libellers that have found refuge in that part of Europe? Has England for twenty-five years shed her best blood and treasure, and defeated the combined efforts of whole nations opposed to her, to avow, at the first moment of a general peace, her apprehension at a handful of miscreants in a corner of Europe? In the Netherlands it is said was hatched the plan (and none could be more horrible) to assassinate the duke of Wellington. What proof is there that the plot was hatched there? Is it not more likely that it was arranged in the bosom of France itself? It has surprised me to hear the noble lord talk of the Netherlands in a strain of regret that these Frenchmen should have found refuge there. As an Englishman he ought rather to have rejoiced that though a small power, and under the shade of France, she clung to that good old policy which once distinguished Great Britain, but from which she is now unhappily forced by the cabals of foreign conclaves, acting on the weakness of those ministers that ought to have made a firmer stand for the honour and character of their country. But the noble lord has appeared to act for a considerable time rather under the influence of foreign government and principles than of the constitutional government and established principles of Great Britain. It is one of the unfortunate results of the deliberations at Vienna in which the noble lord took so large a part that a government has been forced on the Netherlands utterly alien to all those liberal principles to which that country owed its freedom and independence.

But my hon. friend who spoke last, says, that there is unhappily a disposition in this country to unite with foreign conspirators, and that hence will arise a great danger if any alien bill be not passed to enable ministers to counteract their machinations. It is impossible that any notion can be more unfounded than this. Our situation, our constitution, our character, our very language itself renders the people of England less exposed than any other people in Europe to foreign seductions. This fact does not depend on mere observation of those notorious dissimularities, but it is fortified by the most incontestible proof. When last year all the elements of internal commotion were at work in this country, did there occur the slightest appearance of any disturbance having originated in foreign influence, or being encouraged by the expectation of foreign aid? We have heard of no suspicions or alarms excited by the emissaries of any government but our own. The noble lord thinks it hard that he should be obliged to refuse the consent of England alone to the united decisions of the congress of Vienna. But were that noble lord not only the representative of England, but were he properly imbued with those maxims which have constituted the glory of England in former times, and

must form her security for the future, he would have thought that England, and he himself as her minister, could never assume so noble a character in the eyes of Europe as when he should answer such a proposition by simply stating that the constitution of his country would not allow it. That it might be inconvenient, but it was an inconvenience our ancestors foresaw when they wisely judged it better to submit to any disadvantages in our foreign policy than endanger for a moment the security of our internal rights. When I speak of our ancestors, I allude to great names and venerated authorities, who when they fenced round the bulwark of our laws, never dreamt that England would ever be represented in a foreign congress by a man who would drag this country, almost against the arrangement of Providence itself, into the vortex of continental politics, or force our sturdy constitution to bend and truckle to all the fluctuations of the European system. The character of the noble lord has acquired a tinge by the intimate communion in which he has lived with the princes and the ministers of Europe, his connexion with them, and their conjoint and glorious triumphs in the last year of the war have dazzled him; he has been too anxious to participate in their splendour and to enjoy their applause, and he has imbibed sentiments very different from those old and salutary maxims which form the basis of British freedom. The noble lord is too much of an ambassador to be the representative of a free constitution. He thinks too much of the figure this country is to make at the congress of Vienna, and of the reputation which he is to maintain among the princes and statesmen with whom he is to associate to be sufficiently alive to those principles to which alone this country owes the origin of that influence which she has obtained in their counsels.

I know there are those who have little sympathy with these sentiments. But if they forget by what policy it was that Spain fell, and that Holland rose—Holland, formed out of the bosom of the deep as an asylum for persecuted industry;—if they forget that the principle of equal justice which our constitution sanctions is the chief invitation to foreigners, and that the free access of foreigners to this country is one of the great causes of our commercial wealth, if they forget that at least twenty thousand foreigners reside among us; that a vast proportion of them are wealthy and most useful to us; that there is not a charitable subscription in which we do not see their names vie with those of the first natives of the land, as if to repay by the bounty of their contributions the protection they have received in this country;—if they forget all this, at least I trust that the necessity of guarding against the establishment of any arbitrary power in England, will ever be borne in mind by an English parliament. But I will ask the chancellor of the exchequer, whose funds are so largely replenished, and whose financial system so much depends on the sums paid by these aliens, how he should like their disappearance from the country? They have been led hither, not by our public magnificence, for we had little, not by our private manners, for they were proverbially repulsive to foreigners, but by a knowledge of our equal laws, and a confidence in the security which those laws yet afford to their property and their lives. Let the noble lord make but one mistake; let him commit but one act of persecution or injustice; let him strike an alarm into the minds of these numerous individuals exercising their industry for the benefit of the empire, and the consequence may be to transfer for ever foreign labour and foreign ingenuity to more hospitable shores.—On the suspension of the Habeas Corpus act, I remember to have heard it often said, that that suspension could affect only persons suspected of treasonable practices, and that those needed not to object to its enactments whom it was not calculated to reach. It has also been said by some on the present occasion, that as the measure before the House can affect only foreigners, Englishmen should not object to its adoption, exempt as they are from its operation. But such language is unworthy of the English character. I should be ashamed to argue the question on such narrow grounds. We have no longer the blood and feelings of Englishmen, we have lost all the enthusiasm, and I may be allowed to say, the fanaticism for liberty, by which our forefathers were distinguished, if we regard with indifference this encroachment on the rights of foreigners. When we let in this principle of tyranny to operate on foreigners, there is but one step more to reconcile our minds to the endurance of tyranny ourselves. It is said that no abuses have been discovered during the operation of the Alien bill. But we ought not to be satisfied with the

existence of a power to oppress, because that power has not yet been exercised. Besides, a great evil is, that we have not the means of detecting any abuse; for the moment a sufferer under the bill is apprehended, it is in vain for him to complain (if he has any ground for doing so) to the sort of tribunal alone open to him;—he is at once hurried out of the country. The noble lord has more than once told us, that in proposing this measure, he is guided by an imperative sense of duty. Duty to whom? Not to the constitution of England, but to the congress of Vienna. He has also said a great deal as to the security against the abuse of the bill, which the character of lord Sidmouth presents. I have the utmost personal respect for lord Sidmouth; but he must not be offended with me for saying that it is as a man and not as a minister. In the former sense he has my confidence, but in the latter he has not. I will never consent to invest any man with arbitrary power. Our constitution is not one of confidence, it is full of jealousies and suspicions; it reins in power to fence round personal right, it protects the weak from the strong, it guards popular liberty against the attacks of ministerial authority. And it wisely judges that the actual exercise of arbitrary power will bear its caution with it, but that it is under the practice of mildness and moderation that tyrannical principles are introduced into the constitution of a free state. As to the prerogative of the Crown to send aliens out of the country, it has certainly been asserted by Blackstone and some other writers. But, after the triumphant refutation of this doctrine on a former night, by my hon. and learned friend near me, I hardly expected to hear it quoted this evening by my hon. friend. Admitting, however, for the sake of argument, that such a power is vested in the Crown, what becomes then of the necessity for this bill? If the former exists, the latter is useless. Why then make so desperate a struggle to introduce an unpopular measure, when the Crown already possesses the means of remedying the evil? But it is not true that this power exists in the royal authority; or if so it is like the other royal powers under the regulation of parliament. Thus, the king has the prerogative of making war, but has not parliament the controlling power of affording the supply, and of insuring the discipline of the army? It is impossible that the power insisted on by my hon. friend can subsist in the Crown, for it is against the genius of the constitution. Again I implore the House to pause before they adopt this bill. The repetition of such measures has a fatal moral tendency. What is once granted for a temporary purpose, soon becomes permanent, when the passions of men are concerned in its perpetuity. The hand once accustomed to power, grasps it with a firm and decided attachment that is continually increasing. I have to apologise for having so long trespassed on the House, and shall only repeat my decided hostility to the bill [Hear, hear!].

The House divided on the motion, "That the bill be now read a second time:"

Ayes	97
Noes	35
Majority	—62.

On the motion, that the bill be committed on Tuesday,

Mr. *Bennet* put a question to lord Castlereagh, for the purpose of knowing in what stage ministers meant to discuss the bill.

Mr. *Bathurst* rose to order, and contended that a member had no right, by putting a question, to revive a conversation on a subject after the regular proceeding on the particular stage had closed.

Mr. *Bennet* maintained that he had a right to take the course he had adopted, as there was a question before the House, and recurring to it, he would now ask when ministers meant to debate this measure? This House must remark that in the debate which had just closed, not a syllable had fallen from any member of his majesty's government—not a word had been said by either of the law officers of the Crown. Nothing had been said either by those who were in possession, or who were in expectation of office. When was the measure to be debated on that side of the House? Were they to understand that the noble lord had entered into an engagement with the kings on the continent not to discuss this question? Was this considered necessary by the holy alliance? Was this the course most agreeable to those sovereigns who were now breaking all the promises they had made to their people, and who were stimulated to the course they pursued by the noble lord opposite, with whom they were combined? He had not wished to

add one to the number whose speeches had that night remained unanswered; but he should be glad to know when their high mightinesses would deign to debate this bill; and he should also like to know what were the peculiar circumstances of Europe which called for the adoption of such a measure at this moment.

Lord *Castlereagh* thought he might reply to the hon. gentleman, by asking when it was intended to debate this measure on the opposite side of the House? He knew of no claim that he had on those who sat on that (the Treasury side) of the House to speak on the present occasion. The hon. gentleman was not commonly in the habit of thinking what came from ministers was more entitled to attention than that which might fall from other members. He had only to say, that when the gentlemen opposite chose to discuss this bill, it was probable they would receive an answer.

The bill was then ordered to be committed on Tuesday.

HOUSE OF COMMONS.

Monday, May 18.

BREACH OF PRIVILEGE—PETITION OF THOMAS FERGUSON.] Lord *A. Hamilton* presented a petition from Thomas Ferguson, at present a prisoner in Newgate, whose case had of late been the subject of so much discussion in parliament, expressing deep contrition for his offence, and hoping the House would, in consideration of the confinement he had suffered, and the expenses he had been put to, see cause to order his liberation. The noble lord stated, that in bringing this case forward he had been actuated by no personal feeling of hostility to Thomas Ferguson, but merely by a wish to discharge the duty he owed to the freeholders of the county which he had the honour to represent. To-morrow he should move for the discharge of Thomas Ferguson.

PURCHASE OF GAME BILL.] Mr. George Bankes having moved the second reading of this bill,

Mr. *Curwen* said, he thought that the game laws, as they at present existed, operated against their professed object. It was not possible, under these laws, to preserve game by any other means than those which threw upon gentlemen a certain degree of odium. When he looked at their general spirit and provisions, he could not see any proper principle of justice throughout them. The present bill, he conceived, would not reach its object. It could not be made to attach sufficiently on the higher classes so as to prevent them from becoming the purchasers of game; yet it might tend to swell the catalogue of offenders of a lower description, of whom it had appeared that no less than 1,200 had been in confinement under the present laws in the course of last year. When he considered the unjust and oppressive nature of these laws, he must oppose whatever went to extend the principle of them; and viewing the present bill in that light, he should move that it be read a second time this day six months.

Colonel *Wood* observed, that he had always thought it the best plan to legalise the sale of game, and not to throw impediments in the way, by partial alterations; therefore he must oppose this bill. He conceived that the best mode was to make game at once private property. Let it be considered who were at present entitled to the use of this luxury legally. None but persons of 100*l.* per annum of landed property. A man might have this from a brickfield, or any valuable bit of land; but if another man had 100,000*l.* in the funds, he was not entitled to a single head of game thereby. The laws on this subject, he must contend, were at present exceedingly inconsistent, and he hoped the House would let the matter stand over till the next session, when a committee might be appointed to consider the whole question, and see what was necessary to be expunged or enacted.

Sir *S. Romilly* observed, that the hon. member who spoke last, as he had brought in a bill to legalise the sale of game, to be consistent with himself, ought to support the present measure. He certainly did think that the present bill would be a great improvement on the existing system. He could not see how, when the House refused to make it legal to sell game, they could hesitate to punish the buying of game. It would be strange, when it was not legal to sell game, that it should be legal to buy game. What would be said if they were to punish persons guilty of theft, and yet declare the receivers of stolen goods to be perfectly innocent? If no persons bought game, no persons would sell game. How could gentlemen reconcile to themselves the allowing the purchase of game, by which persons of low

rank must be infallibly allured to become poachers, and then punish those persons whom they so allured with the utmost severity? By the present system, the lower orders were seduced to a course of life, for which they were exposed to most severe punishments. But this was not the only mischief to the lower orders: by becoming poachers, they brought on themselves the far greater mischief of becoming thieves, by associating in prisons with persons of the most infamous character; for it was established by evidence, that in nearly all the prisons there was no means of preventing the comparatively innocent from associating with the most hardened criminals. But, he need not confine himself to the case of poachers, as he might advert to the situation of poulterers whom gentlemen compelled to procure and sell them game, or else refused to deal with them. Under the system of the game laws, it was not considered any violation of honour or morality to buy the game; and as to the procurers and sellers, their punishment was felt not as a disgrace, but excited sympathy among the people at large. Among the higher orders the laws were violated with little compunction, to obtain the desired luxury, though the utmost rigour in imposing penalties was exercised against the lower.

Colonel *Wood* said, he wanted to get rid of the system altogether, and not to prop it up by inferior measures.

Mr. *Lamb* thought the subject of considerable importance, both as it related to the amusements which induced gentlemen to live in the country, and as it concerned the morals and improvement of the most important class of the community. There certainly was great inconsistency in making it penal to sell, and not to buy: but this only showed the difficulty and absurdity of the whole system, which rendered a full consideration of it desirable, and he trusted that the hon. member for Hertfordshire would bring the whole subject forward. There was a great evil under the system in the tempting and compelling of tradesmen by their customers to a daily habitual violation of the laws. The tradesmen, in their turn, were compelled to tempt the peasantry, on whom the penalties were not light matters. The violations of law produced by the system were proofs of its absurdity.

Mr. *N. Calvert* was of opinion the bill ought to pass; though, if he thought it would have the effect of bolstering up the existing system, he would not vote for it. He believed the result would be directly the reverse of what was anticipated, and therefore the bill had his support.

Mr. *G. Bankes*, in reply, said, that the hon. gentleman who had just sat down, had put the question on the right footing. Be the inconvenience what it might, they ought to make the higher orders feel it as well as the lower. He did not wish to stand up as the advocate of the game laws, but while those laws were suffered to exist, any glaring anomaly ought to be removed.

The question being put, "That the bill be now read a second time," the House divided:

Ayes	116
Noes	21
Majority	95

Education of the Poor Bill.] Mr. *Brougham* said, that in moving the order of the day for the House resolving itself into a committee of the whole House on the Education of the Poor Bill, he wished to offer a few words on the subject. In consequence of the discussion which had already taken place, and the general outline which he had given of the object of the inquiry, as well as of the nature of the abuse which had already come to the knowledge of the committee, by which the attention of the country had been excited, much information had been communicated to them. It would be difficult for him to give the House an idea of the vast mass of information which had since been incessantly poured into the committee. It seemed as if a new light had broken in on the country; for, from places where no abuses were even suspected to exist, most important communications and disclosures had been received. The committee had received multitudes of letters; some from persons who were named trustees of charities; some from persons who had had a right to claim under a charity, without knowing of their right; some from persons who were in the neighbourhood of property belonging to charities, without being aware of any abuse in their neighbourhood. The committee in the last ten days had been occupied in classifying the returns, and in the course of this labour they had discovered instances of abuse more flagrant than any he had hitherto stated to the House. In the returns, there were some ominous omissions. In general, the reverend persons to whom the inquiries had been directed, had answered

with a zeal and alacrity which would induce him to heighten rather than detract from, the panegyric which he had formerly bestowed on them. But from some places no returns had been made; and some of those places were those, in which, from other sources, the committee had derived undoubted information that there existed instances of glaring abuse. On those instances the eyes of the committee were fixed, though for three weeks the reverend gentlemen had not thought fit to make returns of the abuses which they must have known to have existed. He should be glad that this way the information should reach them—that the cases which they had withheld had not escaped the vigilance of the committee—and that from whatever motive they had been guilty of this omission, whether from an indisposition to reveal the faults of a neighbour or from the more corrupt and unworthy desire of paying court to the patron to whom they owed preferment, or from whatever other more or less venal cause, if they continued to defy the orders of the House, the only consequence would be, that the indignation of the committee, instead of the abuses themselves, would be fixed upon those who had attempted to conceal them. He should say no more upon the subject, he hoped he should not be obliged to recur to it. He had in his eye two or three of the grossest cases that could be imagined. Several gentlemen of the committee were then present in the House, and to them he would appeal if ever such glaring instances of malversation had transpired before. He should state some instances of abuse which had been discovered, since he had made the former statement. He did so, not merely to gratify curiosity, but to impress upon the House the necessity, if the present Bill should pass, of following it up with whatever measures might be requisite to make it effectual. There was a free grammar school in Hertfordshire, attached to which were some scholarships of 14*l.* a year, in the university of Cambridge; in the last 30 years there had been no scholars but one. An hon. friend of his wished him to name the places—he had hitherto abstained from doing so, and he should persevere in that course until the whole evidence was brought forward, and the persons who were implicated might know who were their accusers. In the county of Essex, there was a farm of about 200 acres of excellent land left in 1584 for the establishment of a school—there was now no school. In Devonshire, there was a fund of 170*l.* a year for the support of a school—there were now two or three scholars. Now it was well known that according to the Bell and Lancaster system 1,500 scholars might be educated for that sum. In Dorsetshire, there was a house and garden for a school-master, and an estate of 2 or 300*l.* a year to maintain a school, but no school was kept. In Devon, there was an estate which had produced 1,000*l.* a year, and which now was let for 650*l.* bequeathed for the support of a school—the trustees were a corporation; but that worshipful body allowed 4*l.* only for the purposes of the trust. In some counties there were schools and hospitals in trust of the heirs of a noble person; the trustees had turned over the business of the trust to their steward—the steward to an under agent—the agent to a respectable officer—more nearly, he should have thought, connected with the subject on which the House had just decided—to the gamekeeper. This charity had scholarships in one of the colleges of Cambridge which had not been filled up for more than 100 years, the gamekeepers not having presented thereto. In Leicestershire, there was an estate of 100*l.* a year, which had been bequeathed for charitable purposes, which was now actually offered for sale. The trustees had paid 20*l.* a year for the purposes of the trust, and had been in the habit of pocketing the remainder. At a town in the county of Nottingham there was a school, the funds of which, to use the words of a reverend informant, had been "sold or alienated in a shameful way." From a respectable solicitor of the same place information had been derived respecting, it was believed the same estates, that they had been leased at a peppercorn rent for 999 years! In Worcestershire there was one of king Edward's schools, where the master had 150*l.* a year, with a house and garden, the second master 90*l.* with a house and garden also—there were no scholars! The rents of the estates attached to this school would educate 3 or 4,000 scholars, probably all the poor in the city of Worcester. There were many other cases which would seem like repetitions of the same circumstances. There were some other abuses so much more enormous than any thing which he had detailed, that in the present stage of the business he dreaded even to mention

them. It was enough to hint, that estates of thousands a year left for charitable purposes, were enjoyed by persons to whom they had been granted on leases almost as long as that which he had mentioned in Nottinghamshire, at a rent of 3*l.* 4*l.* or 5*l.* That these leases had been granted by the persons themselves, who now enjoyed them, or by tools who had been gotten into the trusts for the express purpose of consummating these abuses. In consequence of the instances which had been brought to light, he was confident the House would pass the present bill—that it would do its endeavour, at least, to make it effectual—that it would neither clog it with more exceptions, or with additional restrictions on the powers of the commissioners. If farther restrictions were proposed in another place, let those who were interested in proposing them have the glory and the responsibility, but the House would feel it necessary to grant powers as ample as those which it most beneficially exercised.—He should say a word or two as to the appointment of the commissioners. It had been at first intended to appoint them in the bill. This did not appear to him so indispensable as it did to some of his friends. They were now to be nominated by the Crown, and he implored the right hon. gentleman opposite to consider, that whatever the provisions of the bill, however ample and appropriate the powers which were granted to the commission, after all, its success mainly depended on the personal qualities of the commissioners. In this case, at least, he hoped every thing like party feeling, or a spirit of patronage or jobbing the appointments, to use a common but expressive word, would be given up. Some of the commissioners were to receive no salaries, and no man could think higher than he did of some of the gentlemen whom he had heard would be named on the commission. As nothing but the labour could reward such an appointment, and no motive could engage any one to accept of it but a desire to see the matter conscientiously and steadily proceeded in, he thus publicly, without farther ceremony, on the terms he had mentioned (for no other could be thought of), begged to offer his own services as one of the commissioners. He had consulted his brother members of the committee, who had thought it fair that he should make this offer, from the part he had had in this business already, and from the interest which he took in the complete success of the measure. He offered only his time and his labour, and if he should have the good fortune to see this offer accepted, it would afford him the most heartfelt satisfaction. It was not for him to say whether or not members of that House should be admitted to be members of the commission; but he begged to add, that if that to which he aspired were held to be incompatible with a seat in that House, he should wish to have the refusal of it even in that case; for, as he believed from the bottom of his heart, the inquiry to be one of the most important in which that House and the legislature had ever been engaged, as he was at present advised, he did not know that he should think it too great a sacrifice to withdraw himself for a while from other duties, for that security which he knew his presence on the commission would give those who were anxious for the success of the inquiry, that the object in view should be unceasingly pursued to its accomplishment. In conclusion, he trusted the House would give its assent to the Bill, and act in such a manner that, if it should be negatived in another place, which God forbid, they might be prepared with some other measure in furtherance of their common object. There were none of the wrong doers in the House whose conduct it would be one object of the commission to bring into view. From any member in that House, therefore he did not anticipate any strong objection to the bill. From the venerable heads of the church in the other House, he trusted the bill would meet with a warm support. As the pastors of the Christian religion in this country, he could not think that they would thwart a measure which had for its object the support of that religion, by more fully imparting the benefits of education to its members.

The Bill then passed through the Committee.

Bank Restriction Bill.] The order of the day being read, for taking into consideration the report of the Committee on this bill,

Mr. *Frankland Lewis* said, he was aware of the difficulty of fixing the attention of the House once more on this measure, and this made him regret the more that the subject had not been previously referred to the consideration of a committee above stairs. Nothing was now, however,

left to the House but to amend the bill as best they might, for in little more than one month the Bank must resume cash payments should the bill not pass. No one was desirous of so sudden a resumption; but at the same time it was desirable that some security should be afforded, that the House should not in the month of May next year, be again occupied in passing just such another bill. Some declaration ought to be introduced into the preamble to fix a period to a system which at present appeared interminable. Than this interminable prospect he should prefer even a sudden and unprepared-for resumption. But he rose to propose an amendment which would steer between those two evils, to the effect of engaging the Bank to resume cash payments at a definite period. The House were solemnly called upon to put an end, while it was in their power to do so, to the present dangerous and vicious system. The bill ought therefore to contain, not a special enactment but a distinct expression of expectation that cash payments would not be again postponed. The preamble should comprehend a direct declaration that the restriction was continued, in order that the Bank might be enabled to reduce its issues, so as to resume cash payments at the time fixed by the bill. Two years ago the restriction had been extended for two years, "in order to afford the Bank time to make the necessary preparations for the resumption of cash payments." Now we were as far from that object as then. He presumed that no one would object to his proposed amendment from any attachment to the present preamble. The present preamble only stated, that unforeseen circumstances had arisen which rendered it expedient to continue the restrictions. As those circumstances, although they might not have been foreseen, must have been seen now that they had occurred, it was strange that they had not been described. Although he had closely attended all the discussions on the bill, he could not state what those circumstances were. The right hon. gentleman on a former night, had indeed mentioned four arguments as justificatory of the bill. The first was, the expense of the army in France, the second the bad harvest, the third the expenditure of English travellers abroad, and the fourth the loans to France. As to the first argument, that had completely broken down, for the expense of the army of occupation was defrayed by France. The bad harvest, which was the second argument, might again occur, and might be made a perpetual reason for restriction. With respect to the third argument, the expense of travellers, whatever was its amount it had at least not been unforeseen, for two years ago it had been predicted as a very probable pretext for such a measure as the present. The loans to be negociated for France afforded therefore the only ground on which the measure rested; and although there might be something in this argument, it had been most extravagantly overcharged. Many things must be taken for granted by those who used it. In the first place it must be taken for granted, that a great part of those loans would be negotiated in this country; which was by no means ascertained. In the next place that it would be transmitted in gold; which was also doubtful. The exchanges were nearly at par, while gold was at 4*l.* 2*s.* 6*d.* an ounce. It would therefore be obviously impolitic to export gold which was more valuable here than abroad, while bills of exchange might be procured at par. He could not conceive on what ground it was calculated, that our metallic currency would be materially affected by any change that might take place in our system. France, it was known, had undergone every variation of circumstance that could visit a nation in war or peace, in her trade or commerce, and yet its metallic currency continued the same. Why then should it be argued, that the resumption of cash payments by the Bank was likely to produce such a change as some gentlemen professed to apprehend? A large subduction of bullion from this country in consequence of the loans to France and Prussia, was stated as a reason against the expediency of removing the restriction upon the Bank, lest bullion should rise in price. But it was notorious, that we had witnessed of late, a large subduction of gold from the continent, for the purpose of supplying the coffers of the Bank, and yet that subduction did not enhance the price of gold among the continental nations. Why then should any subduction, likely to arise in consequence of the loans alluded to, be supposed to be calculated to produce any enhancement of the price of gold in this country? It probably would be the immediate effect of the resumption of cash payments, that a rise would take place in the price of gold, and that the exchange

would fall in consequence of the enhancement of the gold. Some of the coin would be melted down, but then the coin which was not melted would remain the same, and the prices of goods would speedily fall. No other effect would follow, and thus things would come round to their natural course. He was astonished to find gentlemen so much frightened at the bugbear, that loans to France or to any other country would serve to withdraw our bullion, and that through that fear they should be reconciled to a system which gave the Bank the power of influencing the distribution of all the property in the country. It was incumbent on the House to enter on a different system of policy. Not that he meant to depreciate the difficulties that existed, or to deny the facts that had been stated, but because those difficulties could never be removed by attributing them to erroneous causes. The fact was, and it had been stated ten thousand times in that House, although it was not the less true or important on that account, that the rise in the price of gold and the fall of the exchange were solely to be attributed to the enormous issue of Bank paper, and nothing could serve to remedy the evil but our restoration to a sound state of currency. This indeed even the chancellor of the exchequer and many who held the same opinions could not venture to deny, although they seemed unwilling distinctly to admit it. That the great issue of Bank notes produced an enhancement in the price of all articles he need not attempt to prove, and gold must of course bear its due share in that enhancement. That the fall of exchange was also the effect of the same cause was equally evident. For what was meant by the par of exchange was simply this, that an equal quantity of the precious metals in the currency of one country was of the same value as an equal quantity in that of another: that was, that 24 francs in France were equivalent to 20 shillings in England. But when our one pound note was not equivalent to the sum which it professed to represent, the rate of exchange was of course against us. The computed exchange might depend on the number and amount of commercial transactions, but the real exchange could be affected only by a variation in the price of gold and silver. The system upon which the Bank now acted must inevitably lead to the continuance of the restriction. from time to time; for the maintenance of their issues at their present amount would never allow the act to expire. The Bank then had the power of rendering the restriction still longer necessary, and they avowed opinions which indicated the probability of their exercising that power. In speaking of the power of the Bank he did not mean to accuse that body of any improper motive or conduct, but he felt convinced from the nature of that power that the Bank would be as little prepared for resuming cash payments this day twelvemonth as at present if parliament did not take some measures to provide otherwise. He could not help looking forward to a great increase of circulating paper, and the country banks by their renewed issues would greatly assist in depreciating it. In alluding to those Banks he deprecated any parliamentary interference with them; for he was fully sensible of the advantage which the public had derived from them in supplying a cheap medium of circulation, and in spreading that active capital throughout the country which would have been otherwise confined to London. Their number, by exciting competition, and by necessarily contracting the transactions of each bank had lessened the profits of their business, and had materially diminished the risk of individuals. What evil there was belonging to the system of country banks was not to be cured by the issue of stock notes as proposed by the chancellor of the exchequer. It arose from the law which permitted them to issue small notes instead of confining their issues to notes of higher value, and from limiting the number of partners in every firm for the purpose of supporting the charter of the Bank of England. With regard to the benefits derived during the war from the Bank of England by the country, he thought they had been greatly overrated, while an attempt was made to shut the eyes of the country to all the evils of our paper transactions. Let the House consider the burthen under which we were now labouring in peace; let them reflect on the evils and miseries which the fluctuations in the value of the currency had occasioned, let them contemplate those high prices which had rendered the expenditure of the war so disproportionate and enormous in consequence of the depreciation of paper, and which depreciation was notoriously the effect of an enormous issue of notes. If due preparation were not made in proper time the resumption must be subject to additional

difficulty as we proceeded, and the difficulty must be faced at some time or other. When was it probable that a better opportunity would occur than at the present moment? The price of stocks would not he thought be affected by the resumption of cash payments. It was an error to say that trade was benefited by the increased issue of Bank of England paper, for that issue was of late chiefly for the purchase of exchequer bills and bullion. The rate of discount at the Bank was in fact too high to be really beneficial to trade. But it was known that discounts were to be had in the money market on such easy terms of late years that persons of small capital had been tempted into rash adventures and hazardous speculations which proved extremely injurious to the country. One argument frequently urged by the Bank Directors, was, that parliament ought not to interfere with the affairs of the Bank, and in this opinion he entirely concurred. But the bill before the House was a most lamentable and fatal interference with them. Parliament had enacted the restriction, and that restriction rendered farther interference absolutely necessary. Let the restriction be removed, and he was one of those who would never desire to know any thing of the affairs of the Bank; but while that restriction continued, it was the duty of the House to inquire into the conduct of that establishment. The restriction gave the Bank a power over the distribution of all the property in the kingdom. They might, if they should think proper, discount bills payable at three years, as well as bills payable at two months, and thus throw into circulation a quantity of paper that would never return to them. While the Bank possessed a discretion of this kind, parliament must necessarily interfere in their concerns, or abandon altogether the most important interests of the country. The sort of interference which he would recommend should be gentle, gradual, but conclusive; by fixing a period at which the Bank should resume their cash payments, but at such a distance of time as would enable them to be fully prepared for it by a previous reduction of their issues. The first step in this measure ought to be, in his opinion, to make a large reduction of the one pound notes. The reduction of the small notes appeared to him to be more desirable than that of notes of a higher denomination, both because the former would be supplied by a metallic currency, and because they were the principal cause of the vast and deplorable increase in the crime of forgery. He was one of those who thought it a chimerical speculation to endeavour to remove that great evil by any other measure, for he could not conceive that any refinement in the art of engraving the notes would be an effectual guard against it. There was one other consideration of a general nature which appeared to him to deserve attention, and it was, the opinion which the continuance of this system must inculcate in Europe, with regard to our financial resources. The restoration of cash payments was, in his view, particularly necessary in order to maintain our character and consequence on the continent. For while our present state of currency continued, we must be regarded by the continent as helpless and exhausted; for it was impossible to suppose that any nation able to relieve itself from its difficulties would remain in such an unsound state. There was a courage of peace as well as a courage of war; and he did not believe that at any period could the difficulty be encountered with less risk than at present. If we could not help ourselves out of such a condition in peace, that ability could not be expected to arise in war. What an impression then were our circumstances likely to make upon continental nations! However, assured of the pacific disposition of those nations, we had done that to some of them which they must be anxious to avenge; and what a prospect did our financial condition present to encourage the calculation of hostile minds! It was in vain to hope that the next year would be more favourable than this for entering on the subject; and it was for these reasons that he was anxious to call upon the House to adopt the amendment with which he intended to conclude, namely, to leave out all the words in the preamble from "whereas," in order to add the words,

"It is expedient that the provisions of the said act should be farther continued, in order to afford the directors of the Bank the opportunity of making such gradual reduction of the amount of their notes in circulation as may be necessary, in order to enable them, with safety to the Bank and to the public, to resume Cash Payments, at the earliest period, and that another time should be fixed at which the said restrictions should cease."

Mr. *Canning* opposed the amendment.

It was not from want of a due sense of the ingenuity and ability with which the hon. member had treated the subject, that he would decline following him through all his arguments.—The preamble, by declaring that "unforeseen circumstances" had rendered it expedient that the restriction should continue, contained the only motive which at present could induce him to support the bill. The amendment, if introduced, would assign a reason upon which his assent was not founded. He was neither blind to the inconveniencies, nor enamoured of the facilities arising from a restriction of cash payments. He still retained all the opinions which, upon former occasions, he had expressed upon the subject, and no man who did him the honour to recollect those opinions could doubt of his anxiety to return to a sound and wholesome state of currency. He had also, always held the opinion that it would not be fit or politic, in his mind, to allow any interference with the practical details of the Bank. While he had exerted himself on the occasion of the former discussions to discountenance the false reasoning and false principles upon which the restriction on the Bank was defended, he had at the same time declared his dissent from those who were desirous that parliament should interfere in any other way with cash payments, than by merely determining the period at which the restrictions should cease. He still retained all those opinions, and still looked forward anxiously to the time when the restriction might cease, consistently with the public interest. The practical part of the question had been ably argued by the hon. gentleman (Mr. Lewis). No person could deny that the Bank were bound to provide for the resumption of their payments. They had actually done so. But if the proposed amendment were adopted, the preamble to the bill would appear to assume that there was an incapacity on the part of the Bank to meet the determination of parliament as to the period of resumption, whereas the delay which the bill went to enact, arose from extraneous circumstances which no prudence could foresee. A loan of unexampled magnitude was contracted for by a neighbouring nation. From obvious probabilities and notorious facts, it appeared that a great proportion of it must go from this country. It was asked why loans should tend to impoverish this country, without producing the same effect on France. The circumstances were quite different. The great accumulation of capital here induced the possessors to speculate in foreign loans with a view of converting their money to greater advantage. France had no such capital, and therefore could not embark in those speculations. However desirable the opening of the Bank might be, every person must believe, that at any period, it would be attended with practical difficulties. It was the duty of the Bank to guard against them, but it was not the business of parliament to prescribe what should be done with a view to such an object. They had only to prescribe the time of resumption, not the means which the Bank ought to adopt for the purposes of rendering it more easy. No indisposition to get rid of the restriction could be imputed to them, and every thing which had passed in the present session upon the subject, would only operate as a stimulus for future preparation, and render the resumption of cash payments rather an object of desire than of apprehension to the Bank. The hon. gentleman expressed his apprehension, that circumstances of a novel kind, like the present, might arise, to occasion a farther delay. He (Mr. Canning) saw no probability of any such event. It could not be denied, that the resumption of cash payments was a most desirable event. The country could never be considered as having completely righted itself until the currency was restored to its natural and regular course. [Hear, hear!]—Nothing at present could possibly prevent it but the existence of extraneous and unexpected circumstances, unexampled in their magnitude, and in their possible results. It was no shame to any person not to have foreseen them, however great might be his political sagacity. There was no probability that they would arise again before the lapse of twelve months. He anticipated no such event, and he only voted for the present bill, from a complete, though unwilling conviction of its temporary necessity.

Mr. *J. P. Grant* observed, that the right hon. gentleman had justified this measure on the necessity set forth in the original preamble, and had opposed the amendment, on the ground that it would recognize an undue interference in the details of the Bank concerns. But he had not ventured to answer that part of his hon. friend's speech, which asserted that the Statute book did not contain such a

preamble as this, "that unforeseen circumstances" justified the measure: he had simply confined himself to stating, that the ground of the continuance of the restriction act was the loan in France. Why not at once, if the government were confident in this opinion, set forth what they thought the true reason in the preamble of the Bill? The people of England ought at least to have this reason on the face of the record. The right hon. gentleman, indeed, thought that the Bank had gold enough in its coffers; but this was not enough, for if their issues remained unlimited, as they now stood, their paper must suffer that eventual depreciation which would render it impossible for them to resume cash payments with the facility by some supposed. This he knew was chiefly owing to the accommodation afforded by the Bank to government. As to a foreign loan, he was at a loss, after the fullest consideration, to understand how far a French loan could have a tendency to alter the whole metallic circulation of this country; because, the very consequence of this remittance of specie must increase the price of the commodity in this country in the same proportion that it became depreciated in France, from the surplus in the market. It must, therefore, find a fair level, just as the rates of exchange did in mercantile exports and imports. In the year 1797, let the House recollect, that there were only 150,000*l.* in specie sent out of the country in the Austrian and Prussian subsidies—the rest was transmitted in bills of exchange, except a small quantity of dollars. Now in the present loan, surely nobody believed that the whole had been contracted for in England. When he recollected that the advances to government led to the Bank stoppage in 1797, and when he saw that the chancellor of the exchequer founded his system of finance on farther advances from the Bank on exchequer bills in the present year, he could not help thinking that the cause still continued, and would continue to operate to prevent the resumption of cash payments, just so long as this system between the Bank and the government was suffered to continue in full and active operation. This had led to the original stoppage, and it now continued it. So convinced was he of the necessity of bringing this matter to a decisive issue with the Bank, and of fixing some definite period for replacing the metallic currency of the country on the footing upon which it formerly stood, that he would now conclude by giving notice of his intention, in a future stage of the bill, to move that the restriction do continue no longer than six weeks after the next meeting of parliament.

Mr. *Charles Grant*, jun. opposed the amendment. He would support the preamble as it stood, because unforeseen circumstances alone, as the preamble expressed it, were the ground upon which the restriction was proposed to be continued. It was not denied on either side of the House, that the resumption of cash payments, even without the existence of a foreign loan, would be attended with no small difficulties. It could not but occasion a run upon the Bank, and a decrease of circulating medium. These evils would, no doubt, be considerably increased by a loan of so unprecedented an amount as that contracted for by France. A recurrence to cash payments was most desirable in peace, but still it should be remembered that it was the restriction which had enabled them to carry on the war to a triumphant close, and to guard against those fluctuations of currency which must have produced the most ruinous effects. Still he did not wish it to be permanent. Its excellency depended entirely upon being temporary.

Mr. *Gurney* rose and said:—I am aware, Sir, that, in offering myself to your attention in a discussion like this—after the speeches of so many gentlemen of the highest name and authority—I am accusable of no small temerity; but having given to the subject the most sedulous consideration I have been able to bring to it; and having been in a position for somewhat more than twenty years, which necessarily brought under my view the details of the system on which the currency of the county has been carried on during that period, I am anxious to be allowed to trespass for a few minutes on the patience of the House.

Sir, I think it must be granted, that the preamble of the chancellor of the exchequer is at least innocent. The amendment of the hon. gentleman, I conceive to have a tendency to be hurtful, and I shall vote against that amendment.

Sir, I will state boldly, without fear of contradiction, that this is not a question concerning the interests of the Bank; but one concerning solely, and involving most deeply, the interests of the community. Gentlemen have gone into many, and into

intricate, details;—into these I shall not follow them.—The main bearing of the whole matter, I do firmly believe, lies palpably on the surface.

It is very commonly rumoured, that the Bank possess in their coffers, either fourteen millions or sixteen millions in gold. The government owes them twelve millions; and, this paid, the Bank can pay off every note they have issued;—and where is their necessity ever to issue another? But, in such case, where are the community? The Bank can, out of the accumulation of its capital, furnish forth its treasure.—Is it the same with the country?

I confess I consider it fortunate, that the Bank did not resume its cash-payments in 1816; and I am even inclined to consider it fortunate, that it does not resume them now; as I lean most strongly to the opinion, that, before the Bank can ever pay in specie, with safety to the state, the government must rectify what appears to me to have been no small error; namely, the adoption of the principles of Mr. Locke—under circumstances to which they did not apply—in the late coinage.

Sir, gentlemen have talked much, and have, as I think, talked wildly, of the power of the Bank of England, and even of the power of the private bankers, of enlarging their issues to any extent—of the consequent depreciation of the paper currency as valued against gold—and in this their interested career, of the urgent necessity of curbing them. Sir, the Bank of England has never brought such powers into action, and the private bankers have never possessed them.

The pound of account of 1818, is not the pound of account of the days of Mr. Locke; but it is not the Bank of England which has altered it. But to the pound of account of the times existing, you must adjust your coinage. It is upon that pound all outstanding contract was calculated: or, on reverting to payments in specie after so long a cessation, your embarrassment will be, I fear, unbounded. If, on either side, the scale of justice must incline, the creditor can receive, as he has received, gradually, somewhat less than has been his due. The debtor cannot suddenly be made to pay him more, because he has it not.

Sir, the work of Mr. Locke was written in the year 1695, when the national debt was under twenty millions. Consequently, the bearing of it on the currency was only the amount of its interest, say under a million.—It hardly yet entered into the computation as holding any great influence on the rise of prices.

Let us now look at the financial history of the country during the last twenty-four years. In 1796, Paine wrote his Decline and Fall of the English System of Finance. He wrote as an enemy; but his inductions are, many of them, indisputable—if you concede to him the grand fallacy on which they all rest; namely, that the pound of account is of unvarying value,—and that the pound payable to the national creditor in 1796 was to remain, as to its efficacy, the pound for ever. Since the days of Mr. Locke, the debt had changed from a debt, properly so called, to the understanding of a perpetual annuity. Paine states its amount in nominal capital to be approaching to 400 millions, and argues, that the extent of its yearly interest could not much longer be borne, as marching in an accelerating ratio of constant increase —The funds at that time standing at 59.

In 1797, this feeling began to prevail universally—the funds fell to 48. Mr. Pitt put it to the patriotism of the country, and vainly attempted his loyalty loan. All who had demands for gold, rushed for gold to hoard it. The Bank stopped under the shelter of an order from the privy council; and the golden pound hitherto in use departed from the circulation of England — the bank notes issued being then under eleven millions.

In 1798, the funds remained at 48 and 49. The circulation of the Bank was twelve millions; but the country, through the private bankers, had been supplied in most counties with an issue of one pound notes, which replaced the guineas that had disappeared. In Norfolk, with great difficulty, we did keep up a certain circulation of gold, mixed with the one pound notes of the Bank of England. In this year, Mr. Pitt carried his bill for the war assessed taxes, stretchable to the supposed tenth of the income of the payer.

In 1799, finding the old system could go no farther, Mr. Pitt brought in his income tax. The funds rose to 67. Credit began to re-establish itself. I have heard, that at this time Paine himself acknowledged to Barlow, that the bankruptcy he had prophesied was averted from England: and the Bank issues began their sensible rise, going now to thirteen millions and a half.

It was in this year that Mr. Weston

wrote those strange letters, so singularly quoted by the chancellor of the exchequer, recommending to Mr. Pitt the adoption of Law's System, exaggerated in the ratio of the comparative amounts of the debts of this country in 1799, and of France under the regent Orleans. Mr. Weston wanted at once to break down fifty millions of the principal of the debt, and to put it in a form to pass as money, utterly forgetting that a circulating medium must circulate; that is, that it must come back upon its issuer to be paid at its par again, and that speedily; or it must necessarily, as Law's did, most speedily sink.

However, with the increase of the debt there was the increase of its interest to pay, which could only be met by increased taxation—increased taxation could only be supplied by increase in the prices of all things; and through the means of these increased prices, a larger amount of representation was rendered necessary; and this necessary amount the Bank did in effect (inasmuch as depended on them), soberly, wisely, and temperately supply. From that day to this, we have found that the amount of Bank notes in circulation has gradually risen in a certain proportion to the increase of the interest paid to the creditor of the state. In these notes his dividends are receivable; but having always been kept by the Bank under the amount of that interest, they have been, of necessity, received back by the government at their par much within the year, for the taxes imposed to meet this payment of interest, so due to the creditor.

It is perfectly obvious, that a paper thus circumstanced can never lose its currency within the community, though it pass for nothing out of it. All things will become dearer, gold not excepted; but the system can go on unimpeded; and, in fact, the government have been in no difficulty in raising loans for the public service since its adoption. During the vast and disproportionate efforts the country was making in the prosecution of the war, all went on smoothly, till, in 1813, farther taxation appearing next to impossible, the chancellor of the exchequer attacked the sinking fund—the last great financial expedient up to the conclusion of the contest.

Sir, at this period the national debt had mounted to more than 800 millions; the interest upon it to upwards of 30 millions; and we find the Bank issues in 1815 were twenty-seven millions. Now, I own, Sir, I am led to suspect that we must always have a paper representation, more or less in the nature of a legal tender, bearing some relative proportion to the interest of the debt; that as our commodities will insure us a credit for their absolute value in gold and silver on the market of the world, so we may be able to satisfy our domestic reckonings mixed up with, and swelled in their numerical amounts by the addition of the taxation to the prices of every thing.

Next, as to the question of prices—it is quite idle to suppose that a million or two more or less in the circulation of the Bank;—that a few notes more or less issued providently, or improvidently, by the country bankers—(for if issued improvidently, they would only come back on them the faster) should have effected any very material alteration. No banker ever did, or can, issue any paper, but as mere change for something of a higher value previously lodged with him. No banker can keep out a note an hour which is not wanted for the immediate transfer of the goods on sale in the district around him. If he lends his notes, he probably loses his money; but the notes must come back, if more are issued than are wanted, for immediate repayment. It is to the increase of our debt that we have alone to look, as the cause of the increase of our prices, to the millions on millions of the engagements of the Treasury, and not to the millions of the promises of the Bank.

I now come to the year 1816,—and to that year's experience, I do presume to intreat the attention of the House. In 1813 and 1814 the harvests had been abundant throughout all Europe. The war had ceased, leaving England, I may say, glutted with merchandize,—with abundance of all things. But something in the nature of an epidemic instantly seized the whole nation. The activity of our commerce itself, had been bent and directed to the purposes of war. And, after twenty-four years of warfare—all the bills unpaid—every one seemed to think that they had nothing to do but to dismantle—to sit still and enjoy themselves. But what followed? Managed as best it might be, there must have been a great revulsion; but all seemed to be set on making that revulsion as great as possible. Every establishment, carried to its perfection at whatever expense, was instantly to be got rid of. Our people being out of employ, the army and navy were, as instantly, to be discharged, to increase the number of the destitute.

The property-tax, which, however unequal in some parts of its operation, had been the main support of our finances, was wrenched out of the hands of government;—and the property which had so iniquitously attempted to relieve itself by casting its burthen on those who possessed nothing, sunk in the hands of its owners some 50 per cent in its value. Prices, indeed, became low; but who was benefitted by their fall? Did the landed proprietor receive his rents? Could the farmer cultivate his tenancy, and exist by the occupation? Did the manufacturer gain relief from the goods uncalled for, and rotting in his warehouses? And, above all, what was the situation of the poor?—With no natural failure in the country, the poor were every where starving. There was an universal set-fast,—in the higher orders a greater embarrassment, and in the lower, a more intense misery, than had been known in England for centuries. Now, Sir, our exchanges were at par, we had suddenly been brought back to our old golden prices. We tried them; but we could not live.

It has been thrown out, that the monied interests were warped by their own gains to advocate the continuance of the Bank restriction; but I beg the great landed proprietors in this House to revert to that calamitous period, and they will see that the only class who remained uninjured, were the monied capitalists.

I must now come back to the right hon. the chancellor of the exchequer. He had lost the property-tax. It was perfectly obvious in the then state of things, that the taxes on articles of consumption must fall off greatly. New impositions were out of the question; and he did, perhaps, the only thing he could do. He did not circulate fifty millions of the old debt; but he made the capital of the new debt—the winding-up of the war expenditure—stand for money. He threw fifty millions of exchequer bills on the money market; and in a year, in which it is clear there could be no increase of real riches—on the contrary, by the end of perhaps the only year, in which the actual consumption of the country had been greater than its actual produce, he had succeeded in making money a drug—and money, in the beginning of 1816, not having been to be borrowed at any interest—by January 1817, he had brought down the rate of interest to 4 per cent. Stocks rose in price—all things rose in price. But in what were they measured? Certainly not in a standard altered by the Bank issues, for they had kept steady; or, indeed, were rather reduced—but by the undisguised and undisguisable issue of the capital of the debt.

Sir, from that time the industry of the country has gradually been bringing it round again. The chancellor of the exchequer has lately been funding some of his exchequer bills. It may be hoped that he may not see it necessary to keep up this forced and unnatural state of things, but allow them to subside, after these violent fluctuations, into their fair channels; for then, and then only, shall we be able to ascertain what the pound of account of England really is, as measured against gold. But do what you will, one thing is certain—Your pound of account is not the pound of account of the days of William 3rd; and, under a debt of 840 millions, you can no more force back your prices to the prices of former times, without ruin to all parties, than you can make the shadow go back upon the dial.

There appears to me to be still one more reason why it would be more convenient to suspend the resumption of specie-payments for another year; namely, that it is not only the finances of this country which have been in a state of great fluctuation and uncertainty during the war, but the monetary systems of almost all the countries of Europe; and until they, as well as we, have become more settled in the transactions of peace, it would seem to me to be almost impossible to ascertain and adjust our standard.

To recapitulate. It shows the wonderful powers of this country, that, under a debt so enormous, the difference is not greater than it is. Yet I still cannot but conceive it to be demonstrable—

First, that the pound of account of 1818 is not the golden pound of 1695; and that previously to the Bank of England being again opened for the payment of specie, after a cessation of so many years, it will be necessary to re-adjust the coinage to the value of the pound contemplated in the mass of outstanding contract.

Secondly, that any variation in the value of the pound of account from the golden pound circulated previously to 1797, was not primarily occasioned by the Bank's or banker's issues: but by the issues and debts of government; and, consequently, that, supposing neither of the latter to go on increasing, there is no

reason to presume that any farther depreciation will take place, by postponing the opening of the Bank for specie payments to another year.

Thirdly, and lastly, that the species of paper which most markedly and directly bears, by its great amount, on the prices of all things, is the issue of the paper of government,—which represents nothing, but the exigencies and deficiencies of the state,—which is not taken up in the receipts of the year's taxation,—but which falls dead on the market;—and with a view to bring the price of gold as near to the level of the pound of account in England as may be, it will be necessary to abridge, as much as shall be possible, the floating debt.

Sir, I have to apologise to the House for the length of statement into which I have insensibly been drawn, and shall conclude by merely repeating, that for the reasons I have before adduced, I shall vote for retaining the preamble of the chancellor of the exchequer, and against the amendment of the hon. gentleman.

Mr. *Bankes* was persuaded that every time the restriction was renewed, the probability of its being eventually taken off was diminished. He regretted that the motion made a short time ago for an inquiry into the subject had not been acceded to, and he strongly recommended his right hon. friend the chancellor of the exchequer, early in the next session, to propose the appointment of a committee for that purpose. He did not believe this country would be better able to resume cash-payments next July than at present; and with regard to France, as connected with this interesting point, where was the evidence that her financial operations would be concluded in one year? He confessed that he much doubted the ability of France to raise 32 millions in one year, and, if so, the inability of that nation would certainly be adduced as one reason for deferring for another year a recurrence to specie on our part. As to the amendment now proposed to the preamble of the bill, he regarded it as a matter of such absolute indifference, that if he voted for it, it would only be out of compliment to his hon. friend. He believed the real truth to be, that the Bank were not serious in wishing to resume their payments in cash, and he declared this from no feeling of disrespect to the gentlemen who directed its affairs, for in consulting their own interests, they were acting like all other men. It was impossible for parliament to fix upon this or that July in any year, for legislating the resumption of payments in specie. He could hardly expect to witness the restriction taken off during his life. He must confess, that he viewed the proceedings of the Bank with considerable jealousy; and he was persuaded, that events, foreseen or unforeseen, would, from time to time, happen, which would be urged as the ground for continuing the restriction.

The question being put, "That the words of the Amendment made by the Committee, proposed to be left out, stand part of the question," the House divided:

Ayes	88
Noes	21
Majority	—67

Mr. J. P. Grant moved, that instead of the words "5th day of July, 1809," these words be inserted, "six weeks after the meeting of the next session of parliament."

The *Speaker* suggested, that the best way would be, to propose to negative the original resolution, and after it had been negatived, to introduce the amendment in its place.

The *Chancellor of the Exchequer* said, it must be obvious to the House that so important a measure as that of resuming cash payments could not be allowed to be decided at so early a period as six weeks after the opening of the next session of parliament.

Mr. *Tierney* observed, that he should propose the 25th of March next as the proper time for the Bank to resume cash payments. If the right hon. the chancellor of the exchequer was in earnest with the country, he would not object to this. But if, on the contrary, he intended to carry on a sort of juggle with the Bank, he should only observe, that the right hon. gentleman did not deal so fairly and so manfully as an hon. member under the gallery (Mr. Gurney) did, when he said openly, that he held the payment of paper in specie as an abominable heresy [A laugh]. He would move, therefore, to leave out "the 5th day of July," in order to substitute "the 25th day of March."

Mr. *J. P. Grant* said, he should withdraw his amendment to make room for that of his right hon. friend, which seemed to give such general satisfaction.

Mr. *C. Grant*, jun. thought such a measure not calculated to receive the support

of the House. He would ask the right hon. member if the operation of the foreign loans on this market could be expected to have ceased by the 25th of March next? If such was not the case, then the amendment was a bad one.

The question being put, "That the words of the Amendment made by the Committee, proposed to be left out, stand part thereof," the House divided:

Ayes	88
Noes	27
Majority for the 5th of July...	—61

List of the Minority.

Babington, T.	Newport, sir J.
Bankes, H.	Onslow, A.
Baring, sir Thos.	Parnell, sir H.
Barnett, James	Phillimore, J.
Bollond, J.	Ridley, sir M. W.
Carter, R.	Sharp, Richard
Folkestone visc.	Smith, R.
Gaskell, B.	Smyth, J. H.
Gordon, R.	Smith, Wm.
Jervoise, G. P.	Tierney, right hon. G.
Lamb, hon. W.	Warre, J. A.
Lyttelton, hon. W.	Wynn, C. W.
Lewis, F.	TELLERS.
Mackintosh, sir J.	Grant, J. P.
Newman, A.	Monck, sir C.

LOTTERY.] The House having resolved itself into a Committee of Ways and Means, the chancellor of the exchequer moved a Resolution for raising the sum of 250,000*l.* by way of Lottery.

Mr. *Lyttelton* expressed himself hostile to the measure, as contrary to sound policy and good morals. He admitted the financial difficulties of the state, but regarded it as the province of a deliberative assembly like that to overlook miserable expedients, and decide upon broad and liberal principles. If the principle of raising money by lottery was once established, they might, upon the same justification, proceed to raise a revenue from licensing brothels and gaming-houses. The system of lotteries went to increase the patronage of the Crown, to train up a race of informers, to subvert the morals, impair the industry, and, in its remote effects, to injure the revenue of the state. Perhaps those who were so earnest in building the new churches thought by so doing to atone for the mischief they thus created. But it was utterly inconsistent to be anxious about the education of the people, and the improvement of morality on one side, if all that was done was defeated by the lottery on the other. The right hon. gentleman seemed to be raising batteries against his own measures, but it would be more candid and simple to abandon them at once. He must therefore oppose the resolution unless the chancellor of the exchequer could offer something in its favour.

The *Chancellor of the Exchequer* did not consider himself called upon to give additional reasons in favour of a measure in proposing which he had only followed all his predecessors. The hon. gentleman had advanced no new arguments, and as there would always be a certain quantity of gambling, lotteries were not, he conceived, more mischievous than unauthorized play.

Sir *M. W. Ridley* thought it inconsistent that the right hon. gentleman should encourage saving banks with one hand, and gambling habits with the other. For himself, he could not give his consent to a resolution so fraught with injurious consequences to society. The right hon. gentleman had not used one argument, in opposition to the speech of his hon. friend, that ought to induce the House to sanction the Resolution.

Sir *John Newport* stated, that he had a few days since seen in a Dublin newspaper, that one of the sheriffs for that city, a lottery-office keeper, had been convicted of taking illegal lottery insurances, and that six actions of a similar kind were still pending over him. He understood that this man had been convicted of a similar offence in the preceding year, but that notwithstanding this he had been again licensed. He hoped the right hon. the chancellor of the exchequer would persist in putting down the abominable system of illegal insurances.

The *Chancellor of the Exchequer* said, that had he heard of such a circumstance occurring in London, he should not have suffered the lottery-office keeper to be again licensed.

Sir *J. Newport* observed, that the right hon. gentleman was chancellor of the exchequer for Ireland as well as for England.

Mr. *Wilberforce* observed, that there was a wide distinction between individual acts of immorality, and those which were patronized by the government. If the practice of raising money by lottery was once allowed to be criminal, it could not be defended upon any ground that would not justify other crimes. He condemned the system of lotteries as being conducive to crime, and compared it in practice to that of licensing gambling houses in Paris.

He hoped to see the chancellor of the exchequer convinced of the errors of his present conduct, and put an end to a system which tended to destroy every good principle, every industrious habit, more perhaps than any other circumstance whatever. It had been truly said, that a certain sum of money was obtained by this system in support of the revenue; but who could count the mass of evil thereby produced, or estimate the amount of misery resulting from it? He trusted he should live long enough to see the system put an end to.

Mr. *B. Howard* contended that the system suspended the law of the land. There were statutes which declared all lotteries public nuisances, and subversive of the common good.

Mr. *W. Smith* allowed, that if a certain sum of money was to be squandered in the country by gambling, he should prefer to have it squandered in the lottery, whereby a certain revenue would be produced; but he denied that such was the case, and contended, that the existence of a lottery created a spirit of gambling, which would not otherwise be found in operation. It was not as if a certain quantity of bad blood were to be let off from the body by one means in preference to another? but the very act of bleeding created the bad blood, which, but for the operation would not exist. He considered the encouragement of saving-banks with one hand, while on the other, the lottery-office keepers were permitted, by every scheme and mode of deceit, to induce the people to throw away their little savings in the lottery, was a solecism in legislature. It was urging the honest man to spend his little savings in mischievous and ruinous adventure; and it could not be denied that this was urged by every species of mountebankry, or mountebankism, if he might use the word, that a vicious ingenuity could devise.

Mr. *Lyttelton* begged leave to add to what had already been urged on the subject, that no country in the world was less actuated by a gambling spirit than England; but in consequence of the existence of a lottery, persons of every class were induced to hazard their money, and even where individuals were not able to purchase sixteenths, little societies had been formed in many parts of the country to share the expenses.

The Committee divided:

For the Resolution	75
Against it	33
Majority	—42

HOUSE OF LORDS.

Tuesday, May 19.

LIBEL LAW.] Lord *Erskine* presented a Bill for preventing Arrrests by Justices of Peace on the charge of Libel before Indictment has been found. His lordship adverted to what he had said on a former occasion, intimating his intention of bringing in a measure of this nature. He did not mean now to discuss it; he should merely move the first reading, and that the Bill be printed, intending to move the second reading on Tuesday next.

The *Lord Chancellor* declined entering into any consideration of the bill now, but merely wished to observe, that he had no doubt as to the law upon the subject.

The bill was read a first time.

REGENCY ACT AMENDMENT BILL.] The *Lord Chancellor* presented a bill for varying and amending certain of the provisions of the Regency act. The noble and learned lord observed, that by that act, a council was appointed to assist her majesty in the execution of the high trust reposed in her with regard to the care of the king's person, some of whom were in the absence of her majesty to reside at Windsor. Several of the members of the queen's council having official duties to execute, it was impossible for them to reside at Windsor, and it being thought advisable that her majesty, in the present state of her health, should continue in town, it became necessary to make provision for the appointment of additional members of her majesty's council. It was proposed, therefore, to vest in the queen the power of appointing such additional members, not exceeding a number to be fixed by the bill. It was necessary for this purpose to have the sanction of parliament; the members of the queen's council acting under the obligation and responsibility of an oath, directed to be administered by the provisions of the Regency act. The second object of the bill referred to the possible case of a cessation on the part of the queen to have the care of the king's person. According to the Regency act, should this cessation occur, the parliament must meet forthwith; and in the event of the parliament having been

dissolved, and the new parliament not having met, then the old parliament must assemble forthwith. He was not aware of any reason for the introduction of this clause into the act; and he rather thought that it must have originated in mistake. There was no reason why the cessation on the part of the queen to have the care of the king's sacred person should render imperative the meeting of parliament forthwith, there being a clause in the act, that, in case of the occurrence of such an event, the care of his majesty's person should be vested in the queen's council, until farther provision should be made by parliament; and there being a power in the Crown, under the existing law, to summon parliament to meet in fourteen days. Under these circumstances, probably, their lordships would have no objection to a provision, which substituted for a forthwith meeting, a meeting at fourteen days' notice, in case of the event occurring to which he had alluded. He intended to move that the bill be printed, and that it should be read a second time on Thursday.

Earl *Grey* said, he did not mean to object to the first reading of the bill; but he wished it to be understood, that he did not thereby pledge himself to approve of it in a subsequent stage. On the contrary, some points connected with the subject presented themselves to his mind, either as forming grounds of objection, or as requiring explanation. With regard to the first object of the bill, he did not see any objection to the appointment of additional members of the queen's council, particularly under the circumstances of her majesty's continued residence in town. He could not avoid, however, noticing, that the noble and learned lord had proposed, that the appointment of these additional members of her majesty's council should be vested in the queen. By the Regency act, the members of the queen's council were nominated by parliament; and no reason had been stated why this course of appointment should be departed from. In the second object of the bill, he could not by any means agree, to the extent that he was disposed to concur in the first part of it. The noble and learned lord had not stated to the House any reason, or intimated the existence of any necessity, that required the provision now proposed to be enacted. If they were to make provision with a view to the cessation of the queen's authority regarding the care of the king's person, why should they not take into consideration the possibility of the suspension of the royal authority in the person of the Prince Regent. The noble and learned lord had said, that the clause in the Regency act, respecting the forthwith meeting of parliament in the event of the decease of the queen, had been inserted by mistake or inadvertence. But this surely could not be the case, when it was recollected that the same provision was made with reference to the event of the demise of the Prince Regent, and that on the discussion of the Regency act, it was proposed to make provision for the exercise of the royal authority, in the event of the demise of the Prince Regent, which proposition was negatived. The subject, therefore, must have been under discussion. But if they were now to be called upon to take into consideration the making provision for the possible event of the demise of the queen, there were other parts of the Regency act also which required revision, and the whole question ought, in his opinion, to be subjected to investigation. The Windsor establishment, for instance, required a grave and serious consideration, particularly with reference to the long continuance of the king's unhappy malady, and the pressure upon all descriptions of persons, from the highest to the lowest, arising at the present moment from the heavy burthens imposed upon the people. Were such an establishment necessary for the security or comfort of a beloved monarch, he was satisfied that no loyal subject would object to it; but if it should be found that the expense of the Windsor establishment was necessary neither to the security or comfort of the king, it was then surely incumbent upon parliament to take the subject into their serious consideration, with the view of relieving the people from the pressure of all that part of it which had now become unnecessary. He could not, therefore, discover upon what ground a provision of the description of the second object referred to by this bill was now to be brought forward, which did not more strongly apply to a general revision of the Regency act. Why was a new provision with regard to the meeting of parliament, in the event of the demise of the queen, whilst none was proposed to apply to the possible demise of the Prince Regent, to be brought forward at this particular moment? No reason had been

assigned by the noble and learned lord, nor had any necessity been shown. Several years had elapsed since the passing of the Regency act, during the whole of which period, according to any thing that appeared, the same cause existed for making a new provision to the effect now stated, and yet nothing of the kind had been attempted. What was, then, the object at the present moment? Was it with a view to a dissolution of parliament? For this there appeared no more necessity than upon any former occasion; the parliament had yet to come a year of legal existence, and no inconvenience whatever had been stated as likely to result from the effect of the provision in the Regency act, as applying to the possible event of the demise of the queen. Why should a new provision of this nature be made with a view to the possibility of such an event, whilst the enactment of the Regency act remained unaltered with regard to the demise of the Prince Regent, in which case the parliament was to meet forthwith? If such a provision were necessary, it might as well have been introduced a year after the Regency act had passed. Several years had since elapsed without any alteration being thought requisite, and why this bill should now be brought forward, remained to be explained. Why not leave the whole question to be discussed by the new parliament; for no inconvenience had been stated which might not with equal facility be remedied in a new parliament, as at the present moment? This would, in his opinion, be the proper course to pursue, instead of bringing forward the present measure at this late period of the session, when it was impossible to go into the question with the deliberation its importance required. Under these circumstances, he certainly felt inclined to oppose the second object of the bill, on the grounds that no necessity for such a provision had been stated, and that the whole question regarding the Regency act ought to undergo revision.

The Earl of *Liverpool* observed, that it was a matter of courtesy, according to the general usage of the House, to allow a bill, unless there was something very outrageous in it to be read a first time without opposition; and therefore he did not see the necessity of entering into the discussion of this measure at the present moment. He could not, however, suffer some remarks of the noble earl to pass without observation. With regard to the power proposed to be vested in the queen, of appointing additional members of her majesty's council, he agreed that it was very proper there should be a jealousy on this head, on the part of parliament. But when it was said that the members of the queen's council were originally nominated by parliament, it should be recollected that they were not appointed in their official capacities—the lord chancellor, for instance, as lord chancellor, or the master of the rolls as master of the rolls; but that they were appointed by name. And with regard to the power of the queen to nominate, an authority was vested in her majesty, by the Regency act, to appoint, in the case of any vacancy in her majesty's council, some person to fill up that vacancy, and this power had actually been exercised, in a late instance. No new power was, therefore, in point of fact, proposed to be vested in the queen, except as to an additional number of members of the council, rendered necessary by the continuance of her majesty's residence in town. To this, however, the noble earl did not so much object, as to the second object of his noble and learned friend's bill. Upon this point, however, the noble earl's argument was founded upon an erroneous view of the bearing of the question—the provision with regard to the meeting of parliament in the event of the demise of the queen, and that in the case of the demise of the Prince Regent, standing altogether upon different grounds. It should be recollected, that the case of the Prince Regent was precisely the same as that of the king, with regard to the executive authority; and that, as in the case of the demise of the Crown, the parliament must meet forthwith, so it was provided in the case of the demise of the Prince Regent. The case, however, was different with regard to the queen, there appearing no necessity whatever for a similar forthwith meeting of parliament in the event of her majesty's demise, and particularly as in the very next clause of the Regency act it was provided, that in that event, the care of the king should be vested in her majesty's council until the meeting of parliament. Upon this ground it was that his noble and learned friend proposed the provision that had been opened to the House, and it appeared obviously proper that some such enactment should be made, there being no necessity for a forthwith meeting of parliament, in the event of the demise of the

queen. He was aware that at the time of the Regency act a proposition was made in another place to make provision for the exercise of the executive authority, in the event of the demise of the Prince Regent; and had it been made in any place where he had had an opportunity of speaking upon it, he should certainly have opposed it as altogether unnecessary. Provision was made, in the event of the suspension of the executive authority, for the immediate meeting of parliament, and this he thought sufficient for the exigency of the case. With respect to the demise of the queen, the exigency stood upon a different ground; and he could see no necessity in that case for the forthwith meeting of parliament, as prescribed by the Regency act, when every requisite purpose might be answered by the summoning parliament in fourteen days.

Earl *Grey* observed, that the noble earl had misunderstood him in imagining that he had wished to oppose the first reading of the bill. On the contrary, he had declared he did not mean to oppose the first reading, but reserved himself for a future stage with regard to those objections which struck his mind at the moment. It might happen, that, upon consideration, he should see reason to withdraw his opposition, and therefore he wished to leave himself open with regard to the question altogether. At the present moment he certainly saw objections to a part of the proposed measure, and he could not but observe, that the noble earl had erroneously argued upon the cases of the possible demise of the queen and of the Prince Regent. The noble earl had argued, that the demise of the Prince Regent would be similar to the demise of the Crown, with regard to the question of the meeting of parliament; but it should be recollected, that in the case of the decease of the reigning sovereign, as the king, in constitutional language, never dies, all the powers and prerogatives of the Crown immediately vested in his successor. How would it be, however, in the event of the demise of the Prince Regent? There must, in that case, be an entire suspension of the executive authority, and this bore directly upon the argument for providing before-hand for the exercise in that case of the executive authority. The argument, therefore, of the noble earl as applied to the demise of the Prince Regent, did not apply in the sense given to it by the noble earl as assimilated to the demise of the Crown, from which it was totally distinct, or as compared with the demise of the queen, in which case all her majesty's powers with reference to the care of the king's person, vested in her majesty's council, whilst in the case of the demise of the Prince Regent, the executive authority of the country would be wholly in abeyance. This, therefore, was an argument for a revision of the whole Regency act, as he had already stated, and his argument as to the absence of any necessity for the present measure still remained unaltered; for the noble earl opposite had not said one word to show that there was any necessity whatever for the enactment of this measure at the present moment.

The *Lord Chancellor* said, that on the question of the second reading, he proposed to enter at large into the consideration of the measure he had now proposed.

The bill was read a first time.

Cotton Factories Bill.] The House resolved itself into a committee on this bill. In the committee, Messrs. Warren, Scarlett, Harrison, and Evans, were introduced to the bar, as counsel for the petitioners against the bill. Mr. Warren having spoken against the bill,

Lord *Kenyon* made a few observations on the learned counsel's argument, contrasting it with what had appeared in the report of the evidence taken before the committee of the House of Commons, and concluded by declaring his opinion, that counsel or evidence should be no farther heard.

The Earl of *Lauderdale* spoke strongly in support of the motion for counsel being heard and witnesses examined. He charged lord Kenyon with a determination to refuse all evidence that was not favourable to the bill, and read a letter, in which the noble lord had declared he should conceive it to be his duty to take the sense of their lordships as to receiving fresh evidence at their bar. The noble earl then remarked, that the bill tended to affect the interests of the principal manufacture in the country, from which one million was derived to the revenue, and which employed a greater quantity of shipping in the importation of raw materials than any other he could name. It was really strange that any noble lord should determine against hearing evi-

dence upon a case of which he could have really known nothing. This country was in an artificial state, and it was highly dangerous for parliament to interfere with the property and trade of individuals. At least, nothing should be done rashly, and he had little doubt, if evidence was heard, that many of the principal points upon which the friends to the bill rested, would be wholly contradicted. The allegation would be disproved, that the children were employed so many hours as to endanger their health; and medical men of high professional character would testify that the employment of children in the cotton factories, so far from checking their growth, actually tended to promote it. This he would prove by referring to the appearance of the Lanarkshire militia, and the militias of Lancashire and Cheshire, which their lordships, by referring to the war-office, would find were the tallest regiments in the service, and yet these regiments were formed altogether from cotton spinners [Hear, hear!].

Earl *Manvers* was in favour of hearing both counsel and evidence in support of the petitioners against the bill.

The Bishop of *Chester* said, that he begged so far to intrude on their lordships attention as to observe, that the evidence in support of the present bill was deserving of some weight. The petitions in favour of it, their lordships would see, bore in some instances the signatures of clergymen and medical men. Of the clergy, he trusted he might presume to believe, that so conscientious an order of society, would not subjoin their names and authority to any statements which were actually false. He would go farther as to medical men, who, from the character they had at stake, from residing in the very parts whence the petitions had come, and from the ample means they possessed of ascertaining the public health, must be presumed to be well-informed on the topics of the petitions, and could have no motive to misrepresent the truth. Not that, while he said this, it was his intention to impute blame, much less inhumanity, to those persons by whom the children in such factories were employed. He knew many of the proprietors to be persons of the greatest humanity. The evil had its origin in the system he complained of, which governed the number of hours the children were required to work. Besides, could their lordships be indifferent to the circumstance, that some of the petitioners in favour of the bill were the parents of the children? These individuals had subscribed to those petitions from the knowledge that the employment was injurious to their children's health. He was astonished to hear the epithet of "free-trade" applied by a noble earl, to manufactures of such a kind. Surely that noble lord never could mean to assert that the children so tasked were free agents! Their lordships could never be induced to believe that children would labour so many hours every day, if they had any choice of their own. Parliament was the natural guardian of the unprotected. He felt it due to the situation he held, to his acquaintance with the situation of the children employed in factories of the kind throughout his diocese, to state these sentiments to their lordships, and to call upon them to assert the cause of defenceless and suffering youth, more especially since, by doing so, their lordships would support the interests of society at large.

The *Lord Chancellor* said, that no analogy could be required by their lordships for those opinions with which the right rev. prelate had honoured them, to which the excellence of his own character gave so much authority, and which his situation so well justified. He hoped that something of the same indulgence would be extended to himself, when he assured their lordships, that nothing but a sense of duty induced him to offer a few remarks. He hoped no noble lord would suspect him of hard-heartedness, if he confessed that he happened to be one of those who really thought that philanthropy had not taken its right course in modern times. Interests of a varied and conflicting kind were often to be consulted, and ought to be well balanced, before a man of discretion and honesty could pronounce a fair decision. In the present case, the common law already made it an offence in masters to overwork the children who are employed, and in parents to connive at it; and he apprehended that so far the legislature had the authority of common law for interfering in the present case. But, still, he certainly thought it rather hard in noble lords to conclude in favour of the bill, and yet refuse to hear what those who opposed it offered to advance on their side. The question in the first instance was, whether the children in cotton factories were overworked at all? And in deciding this, although he wished to speak with deference of the evidence then on

the table, he must confess that he never yet saw evidence so collected on which he should have considered it safe to legislate. The true question then was, whether, in such a situation, their lordships would forego the information now offered to them, or, in other words, if, having no information that was satisfactory, they would refuse to have fresh evidence, and upon oath?

The Earl of *Liverpool* would admit, that the evidence then before their lordships was contradictory, but he contended, that where opinion was mixed up with matter of fact, as latterly in the case of the climbing boys, it was always so. If their lordships went into the inquiry, as they were pressed to do by the counsel at their bar, they would have to encounter an examination as long and as minute as that already gone through, to the manifest loss of time at an advanced stage of the session, and without much benefit to either side. Whatever might be produced by the counsel at the bar, this he should be prepared still to maintain, that if the maximum of children's work in the factories in question was seventy-two hours a week, and this was admitted by the counsel at the bar, then, in spite of all the testimony that might be brought, he would assert, that it was morally impossible such labour should not have those injurious effects which called for the interference of the legislature. The noble and learned lord had himself said, that the bill, whether right or wrong as to circumstances, did nothing more than carry into effect a principle of the common law, and upon this admission of that noble and learned lord, he claimed their support of the bill. It was evidently not fitting that children should be worked to the extent which even the enemies of the present bill acknowledged them to be.

The Earl of *Lauderdale* said, that if labour were regulated at all, reference should be had to the personal strength of each individual, and no general rule could be relied on. The employer was the person most likely to be acquainted with the different degrees of strength possessed by his workmen, and most likely to avoid overrating them, with a view to his own advantage. The inconsistency of the evidence already produced showed the necessity of hearing the petitioners.

The Marquis of *Lansdowne* agreed that a great evil did exist in the excessive labour of the children, and that it would be proper to introduce some measure on the subject; but he was the more convinced that the petitioner's counsel and evidence ought to be heard, and that the House should not legislate in the dark. He did not, however, feel any apprehension on the ground of the mischief which it was alleged the measure would produce to trade, though it might alter the course of the manufacture; and this rendered it the more necessary to hear evidence on the subject.

The question was put and carried. It was then agreed that counsel should be farther heard in a committee to-morrow.

HOUSE OF COMMONS.

Tuesday, May 19.

Bank Restriction Continuance Bill.] On the order of the day for the third reading of this bill,

Mr. *Finlay* said, that after what had fallen from an hon. member (Mr. Gurney) last night, he could not suffer this bill to pass without taking some notice of the unfortunate prejudice to which that hon. member had lent his sanction, namely, that it was impossible to place our currency on its former footing. He was afraid, however, from what he saw, that it was not the intention of government ever to place it on that footing. From this course nothing but the most serious evils were to be apprehended. Without a metallic currency, nothing could happen to this country but what had happened to all other countries in a similar situation. He was aware, that there were some favourable circumstances in this country, which existed in no other—the publicity of the amount of the Bank of England notes in circulation, and the influence of public opinion as a corrective of abuse. But if once the opinion got footing, that our circulation must depend on the amount of our taxation, which was boldly advanced by the hon. member last night, we could expect nothing but what had happened in every other country where such an opinion had been acted on. Let us look at what happened to France in the revolutionary war—America during the American war—and what was now exemplified in Russia. It was known that Russia issued paper money according to its own wants; and the effects of this system were also well known. Unless we established the control of a metallic currency, we should be in precisely the same situation as Rus-

sia. Unless the House should resolve to continue no longer this unwholesome state of things, and should make up their minds at once to the inconvenience of a return to cash-payments, they would never get rid of the evil. It was absurd to think that the Bank would next year, or in any future year, be more able or more willing to return to cash-payments. He was the last man to say, that a return to cash-payments would not be attended with inconvenience: he would say, on the contrary, that it would be attended with a great deal of pressure and inconvenience; but he would say also, that it would be better to suffer this pressure and inconvenience now, than to go on in our present system from year to year, till we arrived at a state when every person in the country would be afraid to look our affairs in the face. On the principle of the hon. gentleman, it was absolutely necessary we should go on till we came to this state of things, but he did not see that we were yet come to that pass that to return was impossible. He would appeal to the good sense of the House—let them reflect that now or never they could return to a wholesome currency. If they went on longer upon this system, no man in the country would be able to look our affairs in the face. He was confident that as the inconvenience must be met some day, the earlier they met it the better. They must meet the evil, and they ought to meet it in a manly and fair manner at once, and not allow themselves to be abused longer with the farce which had been played off upon them.

Mr. *Hammersley* knew of no opinion having ever been delivered in that House, but that we should, as soon as possible, return to a state of things in which paper should be convertible into gold. The Bank directors had pledged themselves to take measures for a return to cash-payments; and treasure, with that view, had been purchased by them. It was his firm belief, that at all times the Bank of England had been anxious to return to cash-payments. At this time agents from all the foreign houses were in this metropolis; and, if the restriction was not in operation, a great part of the loans to foreign powers would be made by means of our coin.

Mr. *Tierney*, seeing an hon. secretary of the Treasury in his place, hoped, in the absence of the chancellor of the exchequer, he would be able to inform him, whether any and what steps were taken for paying the nine millions due by the public to the Bank of England. In an early part of the session, provision was made for six millions of that sum; but, with respect to the remaining three millions, he did not know of any provision for it. If this debt was paid to the Bank, that body would no longer have any justifiable cause for keeping up the issues to their present amount. If they were paid back these nine millions, they would stand in the face of the country with the most serious responsibility on them that ever men had. The excess would then be the act of the Bank, and not that of government. If the Bank should be paid, a reduction of their notes must take place; and if paid by this next Christmas, we should then be able to ascertain if the alarms entertained on this subject were well or ill founded. If the reduction took place gradually, though it would no doubt be attended with considerable effect, it would not produce that alarming effect which some gentlemen apprehended. It never was designed that the Bank should receive protection for the issue of a single note more, under a state of restriction, than if no restriction had taken place. It was only the wants of government during the war that gave rise to the restriction, and justified the issues of the Bank; but on the repayment of their advances there was an end to all pretences for excessive issues. From the hour of the repayment, a gradual reduction would take place.

Mr. *Lushington* said, he could give the right hon. gentleman an answer which he trusted would be satisfactory. Preparations were making for the payment to the Bank, not only of the six millions, but also of the three millions, which had been mentioned; but the particular sums, and the periods when they were to be paid, were yet matters of consideration. As to what might be the conduct of the Bank when they should be repaid the whole of their debt, he should not then inquire; but he had no doubt it would be marked with that honour and integrity which had distinguished them on every occasion.

Mr. *Tierney* was aware that some steps were taken to pay the six millions, for that sum had been already provided for, but he wanted to be informed how the three millions were to be paid, for no provision that he knew of had yet been made for paying them; and he did not suppose they were to be taken from funds voted for another purpose.

Mr. *S. Thornton* said, that the right hon. gentleman's question, whether the Bank directors had given the notices required by the acts of parliament for the repayment of the two sums of six millions and three millions, he could inform the House that such notice had been given. It was not for the Bank to say what provision had been made; but this he could say, that it was understood, on the part of the Bank, that the sums in question would be paid off in the course of the present year. The right hon. gentleman had said a good deal about the responsibility of the directors, if they did not diminish their issue of Bank-notes, and prepare for the resumption of cash payments. That responsibility he was quite prepared to share with his colleagues in the Bank direction. The true and considerate preparation for cash-payments was a matter of too much delicacy to discuss in the House, and particularly at that period. He must, therefore, decline to give any pledge as to what would be the future issue of Bank-notes, or the course to be pursued to facilitate the measure desired by all parts of the House. The directors he was persuaded, would do their duty and trust to the liberality of parliament for a fair construction of their conduct.

Mr. *Tierney* never meant to say, that the issues of the Bank ought to be reduced to a specific sum. All he meant was, that the issues ought to be limited in the same way, on payment of the debt by government, as if the restrictions were taken off. To what extent the excess went, he could not say; but he was sure that the issues were more than what was necessary. He was happy to hear from the secretary of the Treasury, that the Bank would soon be placed in a situation in which they would not need to issue more than was necessary for the wants of the country.

Lord *Folkestone* apprehended the three millions had been advanced by the Bank to government without interest as a sort of compensation to the public for the balances allowed to lie in their hands. He did not know what the amount of the balances now was, but he apprehended it must be considerable; and, so far as these balances could be considered a set off against the three millions, the Bank were not justified in considering the advance a ground for extending their issues. As this was now the last stage of the bill, he must state, that his opinion was in conformity with that of the hon. member for Glasgow. He was sorry that he had not had the advantage of hearing that hon. gentleman more at large, on a subject on which he was so well entitled to speak. After what had been said when the restriction was continued two years ago, and what was said now, it was impossible that any man who turned his attention to the subject could expect to see this country return to cash payments again. An hon. gentleman had stated that all who had spoken on this subject, approved of a return to cash payments; and he admitted, that with the exception of one hon. gentleman who spoke last night (Mr. Gurney), that was the case. But though they all allowed that it would be desirable to return to cash payments, what was the conduct pursued by the House: it was evident that there was no intention of returning to cash payments, or that step would have been taken ere now. He had taken the liberty to state, two years ago, that we should never again see so favourable an opportunity for having the restriction taken off; and it was curious enough, that in the late debate some gentlemen regretted that the restrictions were not taken off two years ago. He agreed with the hon. member for Glasgow, that the difficulty would increase every year. When this bill expired the difficulty would be greater than at present, and we should go on till at last all return to cash payments would be impossible. He never expected to see the resumption of cash payments.

The bill was then read a third time and passed.

BREACH OF PRIVILEGE — THOMAS FERGUSON.] Lord *A. Hamilton* said, it would not be necessary to trouble the House at any length, on the subject which in pursuance of his notice, he now submitted to their consideration. Having already decided that it was not their intention to visit Thomas Ferguson with the punishment of loss of office, and having already, by the imprisonment to which they had subjected him, done enough to vindicate their own dignity, and to serve as an effectual warning to others, he submitted to the House, that there was no necessity for detaining him any longer in prison. Mr. Ferguson had made a full acknowledgment of his guilt. He should therefore move "That he be brought up to the bar of the House to-morrow for the purpose of being discharged."

Mr. *Wynn* said, he should not object to the motion, as the House had not taken the same view that he had of the enormity of the prisoner's offence—an enormity much enhanced by the falsehoods which he had uttered. Those falsehoods he should have thought would have so blasted his character, that he would have been deemed unworthy to have held any place under the government. If he had had to fix the term of the imprisonment, he should perhaps have been induced to prolong it, but a few days were not of consequence enough to induce him to object to the motion now proposed.

The motion was agreed to. On the question that the Speaker do issue his warrant,

Mr. *Wynn* said, that he had formerly been asked, with relation to the case of Ferguson, whether he intended to follow up the subject by proposing any new legislative provision. He now suggested the propriety of extending the prohibition from interfering in elections, which had by different acts of parliament, been imposed upon the officers of the excise, the customs, the post-office, and other branches of revenue, to the officers of the assessed taxes and salt duties, who were at present the only revenue officers to whom that prohibition did not apply.

REPEAL OF THE SEPTENNIAL ACT.] Sir *Robert Heron* said, that as he should occupy the attention of the House for some time, he hoped they would do him the justice to recollect, that he had never before presumed to bring forward a measure of public importance. It was only from a sense of public duty that he now presented himself, lest the parliament of which so short a time remained unexpired, should pass away without some public expression of their sentiments on the subject. Although this precise question had not for a long time been before the House, yet the general question of parliamentary reform had been so deliberately and so ably discussed, that it would not be necessary for him to occupy much of their time. His own health, too, would prevent him from saying much. There had long subsisted an opinion among the people of England, that some sort of reform was necessary to renovate the constitution, and to render that House more in practice what it was in theory, the Commons House of Parliament. This opinion had been acted on out of doors, and had produced multitudes of petitions to the House during a great number of years. The cause had been prosecuted with more or less zeal, and at times had appeared to approach success. Towards the close of the American war, the servility with which the House supported the ministers in that war which the people conceived to be no longer wise or necessary, had raised a strong feeling of the inadequate state of the representation. This zeal had been relaxed on the return of the prosperity of the country, and by the defection of one of the most able friends of reform, who had suddenly become its most persevering and unrelenting enemy. The French revolution too, which by its reaction had driven back for centuries the progress of liberal ideas on the continent, had also produced a mischievous effect on the cause of reform. It was then, indeed, to use a phrase of a noble lord opposite that the people "turned their backs on themselves." They had ceased to demand those rights which they had never abused, and which their temperance at that time showed that they were incapable of abusing. Since that time the cause of reform had been impeded by the insane attempts of those who were unjustly classed among the sincere lovers of reform, and by the plots which had been so exaggerated in that House. But it now gained ground; and though the machinery for plots remained in the vaults of the Treasury, it would cease to be efficacious; and if any ammunition remained in the bottom of the green bag, it was so damaged that it would not be fit for an explosion. The necessity of reform had often been acknowledged in the House itself. Distinguished members had offered to prove at the bar its corrupt constitution, but no strong desire to proceed to those proofs had ever been manifested on the part of the House. The corruption was acknowledged by the Grenville Act, which declared the House no longer fit to be trusted with the decision of its own elections—by the oaths and precautions which it declared to be absolutely necessary to prevent partial decisions. The necessity of reform was even acknowledged by those who had themselves been traffickers in corruption—by Mr. Rigby, Mr. Dyson, and lord North. The Grenville act did certainly effect an improvement in the trial of contested elections, though by its refusal to limit the expense of petitions,

the House had continued what could only be considered a denial of justice. When any thing in the shape of reform was proposed on his side of the House, it was met by gentlemen on the other, with objections of various kinds. A standing one, that would serve against any useful change on any subject, was, that it was not the time. Now, as he should think no time unfit for reform, so he feared those gentlemen would think no time fit for it. When we were in prosperity it was said to be unnecessary—when we were in distress it was said to be dangerous. Another objection was, that the advocates of reform did not agree as to ulterior measures. Now he conceived this was not peculiar to the present question. When the cabinet met to consider of new taxes, he had no doubt they were not unanimous as to the best imposition. When the House considered the poor laws, there was quite as much difference of opinion. The bills which were brought in, were even at variance with the principles of the report. The report proposed a radical cure, the bills, though produced with a sincere desire to do good, would, he feared, bring about no useful effect whatever. But if the advocates for reform felt a difficulty in agreeing to specific measures; they at least by that disagreement gave a test of the sincerity and honesty of their plans. Any modification, whether triennial or annual parliaments, open suffrage or ballot, would answer the same end, if they had meant reform as a covert way of attacking the fortress of the constitution. Another objection was, that the constitution was perfect, and that any change was ineligible. A constitution more perfect than ever issued from the constitution shops, from Plato down to the Abbé Sieyes, had arisen from accidents, and had constantly adapted itself to the succession of affairs, and that the result had been, that all orders in the state had been so nearly balanced, that they had been prevented from oppressing each other. But of all arguments against reform, the alarm of the French revolution was the most successful. But he begged those upon whom it operated, to look to the causes of that revolution. They would find that there was not one which had the slightest connexion with this country. The great cause of the mischiefs of the French revolution, was the total unfitness of the French nation at that time for the usages of a free constitution; to this should be added, the vacillating nature of the king, who wished every thing that was benevolent, and yielded to every thing that was unworthy—the unbounded extravagance of the court, which no minister could supply, and which unsupplied, no minister could keep his place; the conduct and character of the duke of Orleans, who had been called the Monster Egalité, who had lavished his monstrous wealth for the worst purposes. But it was unfair to argue from reform to revolution. If they looked to the character of the people of England, if they traced their history through all their former revolutions, they would never find them inclined to anarchy. They were always afraid of going too far. They generally stopt short too soon. In the time of Charles the 1st, there was much blood shed in the field, but scarcely any on the scaffold, and the unhappy monarch himself would not have perished, had it not been found that no party could trust him. In the Revolution which made way for that change of succession, which had placed the present family on the throne, not a drop of blood had been shed. The monarch was suffered to depart in safety, and none of his adherents would have suffered, but from their obstinacy in attempts against the new government. But if the revolution had been bloody, it remained to be proved that reform was revolution. The gentlemen on the other side had no objection to reform, or rather to changes in the constitution, which would increase their own power. Those only which might recover something for the people did they always oppose. The constitution required reform, and constant changes were necessarily to be made. If no changes were to take place it was to little purpose that the House met six months in every year, and the most complete subversion of the present system of government would be to determine, that no changes should be made by law. Time, by the immutable decree of heaven, was the great innovator, and without legal attempts to counteract its effects, it would gradually consume every human institution. One of the greatest obstacles to reform was corruption, and unfortunately the greater the corruption, and thence the necessity for reform—the greater the opposition to any remedy. The first act of the late empress Catharine, after the conquest of Poland was, to guarantee its constitution; that was, to declare that its parliament should never be reformed.

When the Poles applied for reform, she saw the danger of granting what was so reasonable and proper; she saw that her power would be impaired by it, and she considered it a declaration of war. The reform he wished to begin with was, to shorten the duration of parliament, a reform, which might be made without any danger, and would produce the most salutary effects, and the greatest satisfaction in the country. He should not go into the question, whether parliaments were formerly annual by law, or by practice only,—for, annual by some way or other they seemed to have been. He did not, however, wish to revert to that practice, as he did not think it suited the present state of the country. In the tyrannical reign of Henry 8th the duration of parliament became undefined. Mary, who wished to be popular, brought it back to be again triennial; but ever after her death, there had been no definite limit to its duration. It became absolutely necessary to fix some limit—and there was no time more favourable than the revolution; for otherwise at that period the members of the House of Commons might have made themselves senators for life. The parliament at the revolution did not hastily form the enactment. The triennial bill was passed six years after the revolution, and after anxious consideration, and triennial parliaments became the law of the land. How they were lost in 1715 was well known. A civil war then broke forth, which was rather checked than destroyed—the fire remained under the ashes; the government were afraid to trust the country with the elections, and therefore they had the existence of the parliament prolonged for seven years. In his opinion the measure was indiscreet and unjust.—It was unnecessary to quote Locke, or any other writer, to prove that no House of Commons had the right to prolong the time for which its power had been granted by its constituents. It had been said that the previous triennial act had lengthened the duration of parliament; certain it was that the Septennial act lengthened it beyond any legislative precedent, and beyond every principle of justice. One of the arguments which was then employed against triennial parliaments, was, that the first year was always taken up with contested elections. This objection was now destroyed by the Grenville act. The inconvenience of frequent expensive elections might form a more serious objection, but the House had it in its power to reduce those expenses. The oath which members took to deny having given any compensation for their seats, might be extended to the contemplation of compensation. If he obtained leave to bring in a bill, he should also pray for leave to bring in a bill to reduce the expenses of elections. The laws against treating might be extended, the candidates might be forbid to carry the electors to the hustings, and other regulations might be adopted. In opposition to these reforms it was said, that if the power of the Crown had been increased, so had also the power of the people. He admitted that there was a great power of public opinion. This he admitted to be true, but from this power he apprehended no danger. It had arisen from an increase of knowledge; the people were more enlightened and better educated, and in a corresponding degree they were better subjects and men. It had been found so in the countries where education was most general—in Switzerland and in Scotland. But was it from popular principles that the only danger was apprehended? Was it impossible that the House, by excluding the influence of the people, should form an oligarchy which should control the throne, and rendering the sovereign a pageant, exercise the government in his name? He did not apprehend such a result, but he thought it fair to put one fear against another. It was impossible that the House should not feel some degradation, when they felt themselves under the necessity of chastising humble persons who had interfered in elections, while the great culprits were avowed and approved. It was ignorance and inexperience only, which did not practise corruption in the proper parliamentary mode, that called down their vengeance. He wished to give the House an opportunity of removing this inconsistency. One great objection to the Septennial act was, that by it that House had robbed the people of their right, and ought to restore what they had taken away. If there had been a temporary necessity for prolonging the duration of parliament, the act ought to have been temporary. A permanent act ought not to have been passed for a temporary object. But they had wanted to strengthen the power of the Crown, and they availed themselves of the people's alarm to accomplish what they probably could not have done otherwise. From his own experience,

he could speak of the benefit to be derived from short parliaments. He was one of those persons who were often in the melancholy situation of being sent into the lobby on a minority. In the last two years he had been astonished to see around him on those occasions faces which were quite new to him, so that, as he at times was subject to absence of mind, he apprehended that he had mistaken the side on which he intended to vote. He felt a perfect conviction that every member in the House was determined as to the vote he should give, by the most conscientious motives. But it some how or other happened, that hon. gentlemen voted very differently from their usual practice when they approached to the period of elections. From these circumstances he concluded that by shortening the duration of parliament, he should bring about a more frequent coincidence of the wishes of the representatives with those of the constituents. That the House of Commons had exceeded its power in passing the Septennial act, he should not assert; but it had no right to exercise that power by enacting a law so inconsistent with equity as that by which it prolonged its own existence. He concluded by moving, "That leave be given to bring in a bill to repeal the act 1 Geo. 1st, c. 38, intituled, 'An Act for enlarging the time of continuance of Parliaments appointed by an act made in the sixth year of the reign of king William and queen Mary, intituled, An Act for the frequent meeting and calling of Parliaments.'"

Lord *Folkestone* seconded the motion.

Sir *Samuel Romilly* said, that he was unwilling to suffer so important a question to pass without saying a few words on it. He gave his cordial assent to the motion, being convinced that to shorten the duration of parliaments would not be attended with any of those inconveniences supposed to be connected with a more extensive reform. It might do good and there was no possibility of any danger from it. Without any desire to enter into a debate on a question on former occasions so fully discussed, he would notice one argument which had been used against triennial parliaments by the late Mr. Burke, and which had made much more impression than it deserved. It was—that in frequently contested elections the candidates, aided by the power of the Crown must acquire a great preponderance over those who were independent of it. His answer to that argument was—experience. If short parliaments were really advantageous to the Crown, how did it happen that dissolutions were not more frequent? In the present reign, during which prerogative had been maintained and extended beyond all precedent, there had been eleven parliaments, of which eight had been suffered to last six years; and they were then terminated only because it was thought inconvenient to let the seven years elapse, when no choice or alternative would remain as to a general election. Those who best were acquainted with the interests of the Crown had therefore anticipated no advantages from triennial or more frequent elections. The consideration of the different complexion of the House on the approach of an election was also an unanswerable argument in favour of the proposed bill. Was there any man who heard him, who supposed that in the first session of a septennial parliament, they should find a House of Commons so disposed to resist, or a ministry so disposed to yield as in the last? In the present session let it be recollected how the country bankers' bill had been disposed of. The refusal to increase the burthens of the people, and the reduction of taxes were other symptoms of an approaching election—very different from the symptoms manifested during the first session of a septennial parliament when gentlemen had the comfortable prospect before them of not meeting their constituents for a long course of time. The more he reflected upon the subject, the more he was convinced of the advantage of more frequent elections. He would, therefore, support the motion. Seeing no disposition however in the House to debate the subject, he would not trouble them at greater length.

Mr. *William Smith* said, he was desirous of expressing his entire concurrence in all the observations of his hon. and learned friend, and in nearly all which had fallen from the hon. mover. There was, however, another reason, which was alone sufficient to induce him to give his support to the present motion, and that was the opportunity it afforded of marking his disapprobation of one of the most flagitious abuses of a public trust that ever had been committed. He alluded to that act by which a House of Commons, elected for three years, had prolonged its own duration to seven. He would not say that there had been no reasons for such a

proceeding at the time; but there had been none for continuing it after the original cause ceased to exist. He felt anxious to see so great an inroad upon public rights stigmatised by that censure which it appeared to him to deserve, and were it only for that purpose he should support the motion.

Mr. *Brougham* said, he did not wish to prolong the discussion of a subject which there seemed to be no disposition in the House to consider in that serious manner which its importance rendered desirable. However, he could not give a silent vote upon it. He rose to express his approbation of the motion, and would certainly vote for its adoption. He agreed, therefore, with the principal grounds upon which that motion was brought forward and supported. But he felt it his duty to mark his dissent from the sentiment expressed by his hon. friend who had just sat down, as well as by the hon. baronet who brought forward the motion. For he could not concur with these gentlemen in pronouncing censure upon the illustrious persons who proposed and procured the adoption of the Septennial act, because he was fully persuaded, that among the other important services which those distinguished Whigs rendered to freedom and humanity at the Revolution, they contrived through that act to save the country from popery and arbitrary power. But still that act ought not to have been continued beyond the necessity of the case—certainly it ought not to be continued at the present moment, when the causes which originally called for its enactment had altogether ceased to exist. The hon. gentleman who spoke last had maintained, in concurrence with the hon. mover, that the House of Commons by which the Septennial act was passed having been chosen for only three years, was not constitutionally competent to vote its continuance for seven years. But upon the same ground those hon. gentlemen might condemn many other acts of the British parliament—might object, indeed to the exercise of its privileges—might deny its supreme power. It was, however, to be recollected, that if this doctrine were admitted, it would follow that the unions with Scotland and Ireland were illegal and unconstitutional measures; for the parliament of Scotland violated this doctrine in uniting itself with that of England, and so did the parliament of Ireland, and so likewise did the parliament of England in surrendering its separate existence. But according to the mode of reasoning employed that night upon the subject, it would have been necessary, previous to a union, that both parliaments should have been dissolved, and an appeal made, not to the legislature, or to the supreme power, which must always reside somewhere, but to the people at large. But without entering into the discussion of abstract metaphysical questions respecting power and right which were calculated to confound the understanding rather than to produce any practical benefit, he would merely repeat, that if the Whigs, who procured the enactment of the septennial law, acted illegally or unconstitutionally, the unions with Scotland and Ireland were both illegal—unconstitutional measures. Upon the ground contended for by the two speakers to whom he referred, there were many other acts of the British parliament which could not be deemed constitutional, because they were not in the contemplation of their constituents — because measures were adopted by the trustees which were not calculated upon or prescribed by those by whom the trust of legislation was delegated. But he must take leave to observe, that the supreme power necessarily rested somewhere, and that it was the constant practice of the legislature to perform acts which the electors had never had in contemplation, but which they had confided a full authority to their representatives to perform, if necessary. If these were not the principles of the constitution, if he had not understood, or read them properly in those great authorities to whom they were in the habit of referring, he should be glad to hear them explained upon better authority by persons better informed. He would make his appeal to the learned, who read, and were able to read the works of those great men upon whose authority this power of the legislature was founded, and who exercised it themselves. He would not appeal to the unlearned. In the propriety of that course, his hon.—he was going to say his learned —friend would no doubt agree with him. For who could look for real constitutional information to those preachers of first principles, of whom we had seen so much in our time, and who, notwithstanding the arrogance of their pretensions, knew in fact nothing at all about the matter? By such authorities he was willing that the question should be judged, but he would

enter his protest against the attack upon those who had originally passed the Septennial bill; although he would allow that nothing but an overruling necessity could justify it. The original measure, however, and its subsequent continuance, were two separate questions. Convinced that its continuance was not necessary, after the circumstances that called it forth had passed away, upon that ground he would support the motion.

The House divided:

Ayes 42
Noes 117
Majority against the motion ——75

List of the Minority.

Althorp, visc.	Mackintosh, sir J.
Brougham, Henry	Madocks, W. A.
Burdett, sir F.	North, Dudley
Bennet, hon. H. G.	Newport, sir J.
Barnett, James	Ossulston, lord
Brand, hon. T.	Proby, hon. capt.
Baker, J.	Parnell, sir H.
Calcraft, John	Rowley, sir W.
Cochrane, lord	Rancliffe, lord
Curwen, J. C.	Ridley, sir. M. W.
Campbell, gen.	Romilly, sir S.
Calvert, Chas.	Stanley, lord
Folkestone, lord	Smith, Wm.
Fergusson, sir R. C.	Smith, J.
Gaskell, Benjamin	Sharp, Richard
Howorth, H.	Sefton, lord
Heathcote, sir G.	Tierney, rt. hon. G.
Hornby, Edward	Tavistock, marquis
Lemon. sir Wm.	Wood, alderman
Lockhart, J. J.	TELLERS.
Langton, Gore	Heron, sir Robt.
Lefevre, C. S.	Grant, J. P.
Martin, J.	

ALIEN BILL.] The order of the day was read for going into a committee on this Bill. On the motion, that the Speaker do leave the chair,

Mr. *Bennet* took that opportunity of expressing his objection to the measure, deeming its enactment inconsistent with the honour, the dignity, and the freedom of the country. He animadverted upon the silence of the ministers and law officers of the Crown on a former evening, when the principle of this bill was under discussion, and when the House had heard three able speeches against it, which speeches, through the system of publishing the Debates of that House, which, thank God! existed, were now universally circulated throughout the country. Those speeches had made a strong impression upon the public mind; and yet ministers seemed still indisposed to offer any argument in support of this extraordinary measure. That silence was the more surprising, as ministers had, in fact, adduced nothing in support of the bill, but a document from which they would have the House to conclude that they had not abused the powers created by the law which this bill proposed to continue, because there were, forsooth, five or six persons whom they had not sent out of the country, although they had the power of so doing. But it was known, that at the time of the disturbances at Cadiz, some years ago, an authentic paper was shown, stating that no one was to have a passport from our ministers who had not previously obtained a passport from his own government. Thus it appeared, that the execution of this law depended, in a great measure, upon the will of other states. Yet he understood it was not unusual for a foreigner, before he applied for a passport to his own government, to have application made here, to know whether, if he came to this country, he would be allowed to remain. But he would ask ministers, when they undertook to decide upon the character of a foreigner to whom this law was applicable, upon what ground they decided?—whether upon information obtained in this country, or on the other side of the water? whether from spies here or there? He believed the ambassador of that power—of which any foreigner was the subject, was the person principally, if not solely, consulted on such an occasion. He should like to witness the examination of the board of inspectors on cases of this nature—and to know whether it sat at the Foreign or at the Home office. If at the latter particularly, and lord Sidmouth was a member of that board, there was no security whatever for a correct decision; for that noble lord was, he had no hesitation in saying, the greatest dupe that had ever belonged to any administration [here there was a slight murmur of disapprobation]. Dupe was, he presumed, a parliamentary expression, and the House, as well as the country, had amply sufficient facts to justify the application. But if the friends of the noble lord were not satisfied to have him considered a dupe, he should only say that that noble lord must then be called by a still harsher name. For what was to be thought of that noble lord, who, in adverting to such a person as Oliver, gravely affirmed that he was a much injured man? But he should like to see the board of inspectors in consultation upon the execution of this

act, with, no doubt, some foreign ambassadors beside them, engaged, toad-like, —to use the figure of the poet—in spitting the venom of legitimacy into the ears of our government, and thus endeavouring to prevent this country from being what it was in better times, the asylum of persecuted men. The hon. member ridiculed the idea that any danger could arise to this country from the presence of a handful of foreigners. The state of the country at present was so different from what it was in 1792, when this law was originally enacted, that such an apprehension was quite chimerical, unless gentlemen imagined that a German or a Frenchman was likely to join a meeting at Spa-fields, with a view to address the mob in broken English, upon the benefits likely to result from annual parliaments and universal suffrage. But the fact was, that no apprehension of any domestic danger gave birth to this bill. The real cause of its continuance was, a desire to please foreign governments. For this purpose the character of our country was lowered. It was notorious that the law which this bill proposed to continue, was so thought of on the continent, that no Englishman could excuse it upon any other ground than this, that it was only a war measure, and yet it was now proposed to continue it in peace, without any assignable reason. Here the hon. member took a review of the character of those continental states, which had advanced their own character and interests, as well as benefited humanity, by affording asylum to the persecuted advocates of civil and religious liberty. He instanced Geneva, which received Voltaire into its hospitable bosom, and Holland, which gave shelter to such men as Erasmus and Bayle. But England was, in good times, the most distinguished nation in the world for this description of hospitality. Her character was now, however, reduced from that high rank. She was sunk to a level with the arbitrary governments. That congress of mighty promise, but miserable performance, at which the noble secretary for foreign affairs played such a prominent part, had had the effect of placing the police of England under the correctional police of foreign governments. He would ask, whether the ambassador of France or Spain was not entitled to require the execution of this law against any person disagreeable to the government of either, as part of an absolute compact [hear, hear!]? Such a compact was indeed admitted by a sort of innuendo in the speech of the noble lord who brought forward this bill, although its existence was denied elsewhere. To prove that the powers granted under the Alien bill had not been fairly exercised, he adverted to the case of M. Befort, who, after a residence of some time in England, had been abruptly ordered to quit the country, though he was ignorant of having in any degree infringed the law, or made himself obnoxious to the government. As an English gentleman, anxious for the honour of his country, he delivered these sentiments, and he hoped that the feeling which actuated him would influence every independent man in the House to oppose the measure, as being unwise, tyrannical, and derogatory, from the character of the country.

Mr. *Ellison* observed, that not a single case of any abuse of the powers granted by the former act had been alleged. Nothing was urged but what the imaginations of honourable members suggested for the purpose of aspersing his majesty's ministers. It was since the enactment of an alien bill that our humanity to foreigners had been most conspicuously displayed. He had little knowledge of the noble lord at the head of the foreign department, but he thought him entitled to public gratitude for his great services, and for having terminated the most tremendous contest in which this country had been engaged, by a glorious and advantageous peace. He considered that ministers from their former conduct ought to be again entrusted with the powers of the proposed measure. No solid argument had been brought forward against the bill, whilst it appeared to him to be a sufficient reason for it, that it would exclude from this country the outcasts of every other.

Mr. *Bathurst* contended, that no new considerations had been urged in the course of the former debate, which called for any additional argument in support of the views taken by those who proposed the continuance of this measure. That was the only cause of the silence observed on his side of the House. As the hon. gentleman who spoke last but one had introduced one or two topics which had not been before dwelt upon, there was no indisposition on the part of ministers to enter farther into the discussion. He thought the circumstance of there being no place of refuge for emigrant foreigners

in other countries, was a reason rather for passing this bill than against it. It was not pointed against the admission of the peaceful artisan, or of persons persecuted for their religious opinions—the description which applied to the ancestors of those honourable members who had done themselves so much credit by the feelings which that recollection inspired. The House must be aware that it was against persons, of a very different character that the precautions of this measure were provided. He contended that the execution of the act had been universally confined to protect the safety of this country, and that it had never been put in force on the representation of any foreign government. The person who had been alluded to as having been sent out of this country under the provisions of this statute, came to England in the year 1807. He was then a dealer in pictures. In 1811 he applied for a passport to go abroad, when he was told that, if he went, he must not return during the war. He thought proper, however, to return; and from information that was afterwards received respecting his conduct, he was ordered to leave the kingdom. The fact was, that he first of all returned, and while he was here from 1812 to 1813, information was given by different persons, representing him to be engaged in improper objects. He was accordingly removed from the country in 1814, on the most satisfactory evidence that he could not be permitted to remain. It would not be proper for him to mention the specific grounds on which that person was sent away; but he would state, that a paper was found in his baggage which completely established the necessity of sending him out of the country. Upon the whole, he felt confident that the House would agree in the policy of continuing this act, until the spirit of the French revolution had evaporated, and until this country could be rendered secure against the designs of a disaffected and dangerous class of persons, who were continually plotting the overthrow of all governments, and the subversion of all order in society, and who thought it most convenient to repair to this country, violating its laws, and abusing its hospitality, until their plans were matured and ready to be put into execution. Men of sound principles, and of peaceable habits, would have nothing to dread from the existence of these powers in the hands of his majesty's ministers; but it would deter bad men from coming to this country, when they knew that they would not be suffered to remain in it.

Mr. *Lyttelton* said, that if the right hon. gentleman did not think proper to state the specific grounds on which the person in question had been sent away, he had at least admitted that the ground on which he was removed did not consist in that correspondence which was found in his baggage. The foreigner said that he underwent the most strict examination, and that nothing was discovered to render him liable to suspicion. He had not had the means of verifying the truth of his assertions, and now he had only to set against them the statement of the right hon. gentleman. To that statement he was sincerely disposed to give every degree of credit; but, at the same time, he must add, that he thought the proceedings in the case of M. Befort tended to illustrate the vicious consequences of bills of this sort. He had been sent out of this land of freedom—this asylum, as it once had been, for the persecuted of all other countries, without any satisfactory account being given to the public; he had had only six days allowed him for packing up his goods, relinquishing his interests, and leaving the country. The right hon. gentleman had said, that no person would be sent out of this country except for plots against the state; but, on a former night, an hon. gentleman (Mr. C. Grant) had declared, that there was something in the affairs of Europe which rendered it necessary that we should keep our eyes on foreigners, lest men who should meditate a revolution in France should find an asylum here to carry on their plots. As far as the fact went of half a dozen persons being sent out of the country, this measure would not bear the smallest test; but, on the other hand, it showed the intolerant spirit of the British ministers. Let the House bear in mind, not only the number of men who might be sent out of the country, but the number of those who might be intimidated while they remained. The total number of foreigners who were here engaged in honest and industrious habits, beneficial not only to themselves, but to the public in general, was, he believed, not less than 20,000. Let the House, then, consider the alarm and terror with which that large body of persons must be continually agitated by this odious measure. It was, in itself, not only a despotic power, unworthy of the

times in which we lived, and hostile to the spirit of liberty, more particularly to the liberties of this free country; but a power into which no inquiry had been instituted, and into which, in the present temper of this House, no inquiry was likely to be instituted. It was a measure singularly hostile to the character, and injurious to the interests, of the country. His opinion of its unconstitutional and unjust character remained unchanged, convinced as he was, that whenever a crisis presented itself when the public character of nations might be influential, this measure would be found to prove most prejudicial to the interests of Great Britain.

Sir *Samuel Romilly* remarked, that there had been nothing stated in support of this bill, except what the House had this night heard from a right hon. gentleman opposite, and the observations on a former night of a lord of the Treasury, in which there was much more of eloquence than of convincing argument and reasoning. He was not surprised at the course which his majesty's ministers had thought proper to adopt on this occasion; they knew that their strength consisted, not in speaking, but in voting. He hoped the House, however, would consider, that those on his side who resisted this measure, were speaking on the behalf, and for the protection of persons who had no representatives in that House. There were two classes of persons to be affected by this bill: one class was, the foreigners who might seek an asylum in this country, the other, the foreigners who had settled amongst us, and had become a part of ourselves. As far as it related to foreigners who might come to reside in this country, it was to be considered on far different grounds than as it related to foreigners who had long domiciled here. In all that had been said on this subject by the other side, it was manifest, that the executive government could act only on the suggestion of foreign powers in preventing individuals from coming here; for whether they came from France, from the Netherlands, or from other places, how could they guard themselves against such persons, but by listening to the representations of foreign ministers? So that a person who was endeavouring to shelter himself here from religious or political persecution, from the terrors of the holy inquisition, the tyranny of the king of Sardinia, or the despotism of some other government that we had established on the ruins of the free and independent states of Europe, must be deprived of an asylum, on the statements made to this government by their own persecutors and enemies. In all these cases ministers would act implicitly on those representations; and under that influence, the unhappy victims of despotism and oppression would be driven back from our shores. The hon. gentleman had said, that this measure was intended only as a prevention against dangerous persons; but by this he meant, as it appeared, persons who had worshipped the goddess of Reason at one time, and afterwards worshipped Napoleon Buonaparté. It was originally stated, that this bill was to continue in force for two years only; but the right hon. gentleman had that night said that it was to continue till the principles of the French revolution had evaporated—that was, till the whole race of Buonaparté was extinct—till all those persons had expired who were supposed to entertain any friendly disposition to that family. It was said that it was a measure directed only against bad men. He admitted, that if his majesty's ministers were to know the real state of the case, they would not put it in force against good men; but the evil was that they proceeded on secret informations. When a person was brought before them, the same course was pursued as before the grand inquisitor. In Spain, he was asked, without knowing any thing of the specific charges against him, whether there was nothing which he had said against the orthodox principles of the Catholic religion, and the man was left to ponder in his mind what he could have said. So, in this country, after this bill should be passed, the unfortunate individual would be asked, Had he said nothing against the doctrine of legitimate governments—had he mentioned nothing against the family on the throne? Did any one really suppose that the unfortunate foreigners who might seek an asylum in this country could be safe under the exercise of such powers? Did any one believe that if the ministers of Charles 2nd and James 2nd had been invested with similar authority, those monarchs would have had their eyes offended by the crowd of Protestants who fled to this country for protection? No; if the same powers had existed in those times, the persecuted Protestants would not have ventured to seek an asylum in England; but they came hither,

because they relied on what they knew to be the constitution of this country; they relied on the character, the hospitality, the public law of the country. It had been said, that more protection had been shown to foreigners during the last five and twenty years, than at any former period. This, he would boldly affirm, was a false statement of history. It was utterly false to say, that more protection had been shown to persecuted individuals in the last twenty-five years, than during the reigns of James 1st and Charles 1st, Charles 2nd and James 2nd. The right hon. gentleman had said that the paper alluded to in the case of Mr. Befort was found among his baggage, just as he was about to be sent out of the country. Now it might not be difficult to explain how it came there.

Mr. *Bathurst* begged to explain. He believed the fact was, that the Custom-house officers thought it their duty to examine the articles which the individual in question wished to take with him, and in doing so, they had discovered that paper.

Sir *Samuel Romilly* thanked the right hon. gentleman for this explanation. It seemed, then, that the paper was not sought for, but merely discovered in searching the baggage, and certainly it would not be fit to say much against the delicacy of Custom-house officers. In the case of Las Cases, the papers were never examined: in the case of De Berenger, they were made use of to convict him of a misdemeanor, but they were most illegally made use of. He conceived that this measure, as far as it related to foreigners who might seek to reside here, was calculated merely to carry into execution the tyrannical intentions of foreign powers, and that we were the ready agents, the willing slaves of those despotic governments. As far as related to those foreigners who had long domiciled here, that large description of persons who had been engaged in active and honest pursuits, of what crime had they been convicted that they should be put out of the protection of the law? Were any of them to be driven from this country because ministers might be told on secret information, that they were Buonapartists in their heart—that they wished to overthrow the dynasty of the Bourbons? He begged to recall to the recollection of the House the sound principles laid down in the speech of an hon. gentleman (Mr. F. Douglas) on a former night—a speech, indeed, which had remained unanswered—a speech which the noble lord opposite had deemed unworthy of reply—but a speech which he (sir S. Romilly) considered to be one of the most able and effective speeches that had ever been heard within the walls of that House. It was said, that if these powers were to be granted, they could not be in better hands than in those of the noble secretary of state for the home department (lord Sidmouth.) Sir Samuel said, he was against tyranny in any hands. It was not his business to pay compliments to any man and therefore he said that he thought these powers in very bad hands. He respected the private character of that noble lord; he was ready to acknowledge his integrity and worth as a private individual; but the noble lord now stood before them as a public man, and in that character he could not give him any approbation. He had never seen in him any regard for liberty; he had never witnessed in that noble lord any veneration or respect for the good sound principles of our recorded constitution. When he considered the manner in which the noble lord had suspended the Habeas Corpus act; when he reflected on his refusal to hear the petitions of the unfortunate persons who had been imprisoned under that suspension; when he remembered, that, after all, he had sought to cover the acts of himself and his colleagues by a bill of indemnity, founded on the report of a secret committee chosen by themselves, and furnished only with such evidence as they chose to adduce, there was no man in whose hands he should be more unwilling to intrust the exercise of the powers of the alien bill. Let the House, too, remember, that his majesty's ministers had on all occasions refused an inquiry into the manner in which those powers had been exercised. This was a most fatal blow to the character of this country; and, he could not but reflect, that when we should have lost all our liberties, we should not even have the compassion of any nation in the world, because it would be said, that a people who were so regardless of the liberties of others did not deserve to enjoy their own. [Loud cheering.]

Mr. Serjeant *Copley* said, he could not allow this question to go to the vote without offering a few observations upon it, as he considered it one of great importance to the country. In taking the subject be-

fore them into consideration, they should inquire whether the Alien bill was an infringement of the domestic policy of the country? or whether, by its adoption, they would depart from the constitution of their ancestors? For this purpose, it would also be necessary to see what the consequences of not carrying the bill might be. It was stated, that a power of sending foreigners out of the country was one which ought not to be allowed to rest in the government. If this was to be the case, then there was no power by which an influx of foreigners, however great that influx might be, could be prevented. Then the question arose as to what was likely to be the consequence of not passing this bill, and what description of persons were likely to be introduced into the country in its absence? He wished to meet the question fairly and broadly, and should state, that by rejecting such a measure, they opened a door by which all persons who might be exiled from the continent, either for the infamy of their conduct, or the dangerous tendency of their politics, were to be admitted into this country—and this was to be done without giving government any power by which the admission of such persons could be regulated, or their evil practices put an end to. Let the House examine, for a moment, what sort of persons they were about to admit if they rejected the bill. They were about to harbour in this country a set of persons from the continent, who were educated in, and who had supported, all the horrors of the French revolution; persons, who were likely to extend in this country that inflamed and turbulent spirit by which they themselves were actuated; persons who did not possess either morality or principle, and who could not be expected to respect those qualities in this country [Hear! from the opposition]. He was expressing the opinions which he felt on the question, and was aware that those opinions were not acceptable to some hon. members on the other side of the House—[loud cries of Hear, hear! from all sides]. He should repeat, that he expressed himself as he felt on the subject; and in doing so, he should not be disturbed by any clamour which might be raised on the other side of the House, as there was not one who knew him but was aware, that the observations which he made were the result of his conviction as to the line of conduct which ought to be pursued on the present occasion. If no Alien bill existed, there might, and probably would, be an influx into this country of that class of persons to which he alluded. He knew that the great mass of the English population were well affected to the laws and the constitution of the country; but the House was aware—and if not, their eyes must be shut—that there still existed in England a sufficient number of disaffected persons to disturb its quiet; a set of persons who, possessing the will to disturb the public peace, might, by such a junction as that of a set of disaffected foreigners, be stimulated to acts of outrage and disturbance. It was known that those disaffected persons, most likely to seek shelter here, were men who had a natural aversion to England; persons who, from their earliest age, were impressed with a wish to overpower this country; and he was not so hazardous a politician as to throw a quantity of combustible matter into the country, in order to see how much we could bear without exploding. He did not wish to make the experiment as to the quantity of poison which the body could inhale without destroying the constitution. It was imperative on this country to be cautious how they made themselves the theatre of action, by which other states might be injured, and by which the constitution itself might be finally overturned. It had been found necessary to guard the internal peace of the country against disturbances—why not the external also? If foreigners were to have free egress into England, without vesting government with a power to remove them, they would be sanctioning attacks on other states, and embroiling themselves in quarrels, in which they had no right to interfere. It had been said, that there was no cause which made such a bill necessary, and that the fears entertained on the subject were chimerical and absurd; but it was impossible not to recollect, that the same language had been used on the other side of the House in 1816; and notwithstanding that, they saw what had happened since that period. It was so fully in their recollection, that he did not feel it necessary to repeat it; indeed, he should not have alluded to it at all, were it not to show that the prophecies of the hon. members who now, as well as in 1816, opposed the bill, were not to be relied on implicitly. In 1793, similar arguments had been used; but the country, by not acting on those arguments, had avoided all the horrors into which they would otherwise have

been plunged, as a neighbouring country had been. An observation had been made which he felt it necessary to notice; namely, that the adoption of the present measure would be a departure from the ancient principles of the constitution. On this subject he should say a few words, and he should state, that the arguments on this point had been pressed with an ingenuity and talent calculated to make a strong impression in its favour at first view, but which could not be maintained on a cool inquiry into the subject. It had been said that the measure had a tendency to contravene the law, and that it had its rise in a wish to accord with the policy of other countries. It had been found necessary, to the peace and well-being of this country, to arm the executive with such a power, and it was necessary, to the fulfilment of its treaties, that it should be acted upon. But it was found, that sufficient power had not been given to government; and in 1802 a clause was added, granting a farther power, by which government could arrest foreigners, and send them to their own countries. How then could it be said, that the bill contravened the law? It had been said, that if the Crown had formerly possessed such a power, there would be instances found of its having been exercised, and that James 2nd would, if such power existed, have availed himself of it at the time of the revocation of the edict of Nantes, in order to prevent the crowds of Protestants from landing on these shores. But it should be recollected, that it was good policy of that monarch not to do so, though the power was vested in him; any argument on that point could not, therefore, avail. In the time of Henry 4th, there was an instance of an order having been issued, commanding the passage-keepers, as they were called, not to allow the landing of aliens in the country, until examined. In queen Elizabeth's reign also, a similar power was exercised. In 1571, this power was exercised at the time of Norfolk's conspiracy. In 1574 and 1575, it appeared that foreigners had been sent from the country. This was matter of fact, proved against assertion on the other side of the House. As far as he had heard the arguments on both sides, it was generally allowed, that the power vested in the legislature. The question then was, with what part of the legislature did it vest? It appeared clear, that it must be in the executive, as there only could it be regularly exercised. It was, in fact, analogous to different other branches of the prerogative. If a safe conduct was required, it vested with the Crown; if a licence of residence was to be given, the Crown had the power of granting it; the bill before them then being similar, ought to be vested in the same hands. The Alien bill was not introduced for the purpose of vesting the Crown with any new authority; it only went to regulate a power already possessed, and to give effect to a branch of the prerogative, the existence of which was not disputed. And let the House reflect for a moment, what operation the present bill was likely to have. By that bill the alien was called upon to sign a certificate which no honest man could refuse to do, and then he was undisturbed. But the House was aware that the Crown had the power, previous to the bill being enacted, of sending aliens out of the country, which might be done by a common law proceeding; therefore no new power was sought for. Another objection was, that the bill might operate to the injury of persons not aliens; but if this argument had any force in this instance, it would make against every existing law, as there was none by which it was not possible that innocent persons might be injured. If, however, a person not an alien was brought within the operation of this bill, such person might easily obtain redress by making affidavit, and by obtaining a writ of Habeas Corpus. The arguments used on the other side of the House, were, he believed, the best which the question admitted of; but they were such as, when canvassed, would be found not to contain any solidity. This was his view of the question. The Crown having, as he before observed, the power, and the bill being only to regulate that power, he should certainly support it, unless it was proved, that such a measure was not necessary, and that he conceived had not yet been done.

Sir *James Mackintosh*, although pleased by the manner, and gratified by the display of talents so promising on the part of the hon. and learned gentleman, must nevertheless enter his solemn protest against the doctrines and principles promulgated by the hon. and learned member that evening. Those who opposed the bill did not wish to deprive the Crown of any of its ancient prerogatives, but those who supported it wished to extend them; an extension which he, and

those who thought with him, said was not called for by the circumstances of the times. The hon. and learned gentleman had been compelled, in support of his argument, to resort to cases that had occurred four hundred years ago, when the Crown assumed the right of pressing men on land for the army, when a system of villainage and the writ *de heretico comburendo* existed. Such was the argument which the hon. and learned gentleman had, in the nineteenth century, adduced to the House of Commons. As to the cases dug out of the State Paper-office since the time of Elizabeth, they amounted to nothing. It should be recollected, that Scotland was at that time divided on the disputes between queen Mary and her son James, and the law which sent foreigners from the country was enacted because they were supposed to be friendly to Mary queen of Scots, whom they considered the lawful queen of this country. He denied that the power of the Crown to banish aliens by proclamation was legal; and the best proof that it was not so, was that no one had been prosecuted for refusing obedience to it. The hon. and learned gentleman asserted, that a power existed in the supreme authority of the state to banish aliens. Yes—and the hon. and learned gentleman might have said with equal justice, that a power existed in the supreme authority of the state to banish natives. But when the hon. and learned gentleman proceeded to argue, that therefore the power must be vested in the sovereign, his position was untenable. The power sometimes assumed by the monarch of issuing proclamations having the force of laws had been repeatedly called in question. Every body recollected that lord Mansfield, when a proclamation was issued by the Crown forbidding the exportation of grain, called the period during which that proclamation existed, "a forty days tyranny," and on that occasion exhibited the single instance in his life in which he was the friend of liberal and constitutional principles, while, on the same occasion, lord Chatham exhibited the single instance in his life in which he was their enemy. The constitution had provided the means of creating that declaratory power whenever necessary, without any such assumption of it by the Crown. The hon. and learned gentleman had spoken of the consistency which honourable gentlemen on his (sir J. Mackintosh's) side of the House had manifested on the subject. But that compliment, or that sneer, might have been spared; for he did not believe that a single honourable gentleman had taken a part in the discussions on the present bill, who was a member of the House in 1793. At the same time he could assure the hon. and learned gentleman, that he, for one, would never be ashamed to adopt the principles, or revere the memory, of those who opposed the Alien bill in 1793. Whatever posterity might think of the various events of those times and the present, he was sure they would not say that too much had been done in the way of resistance to the power of the Crown—that the prerogative of the Crown was too small, or that it had been weakened by what had passed in the course of the last five and twenty years. He was perfectly at a loss to know to what events the hon. and learned gentleman alluded, as having occurred since the year 1816, and as having falsified the predictions of those who opposed the bill of that day. What danger or alarm had since arisen from aliens? What had occurred to induce us again to suspend that asylum which ought always to exist interchangeably among the nations of Europe for a vanquished political party, and which it was formerly the pride and the glory of England to hold out to the world? One of the most extraordinary positions that had been advanced in the course of the discussions on this subject, and one than which he could not conceive any thing more pregnant with danger to the tranquillity of the country, was, that we ought to be satisfied of the moral character of those who were exiles from other countries on political grounds. The consequence of such a principle would be, that when we received any exiles from a foreign country, we should, in the approbation of their morality, involve a condemnation of their own government. But he confessed that he felt ashamed at witnessing the indifference with which the House seemed to regard the fate of these unprotected individuals. That fate was viewed with ease, and even with gaiety. Nor was he less ashamed at witnessing the indifference with which the House listened to these and to all similar arguments. For the honour of parliament, he would no longer expose arguments that had for their object the support of liberal principles to the contempt and derision with which it seemed the wish of the majority of that House to

load them. But he would intreat the House to reflect on what might be the consequences of the present measure. Here was a bill to exclude from this great empire three newspapers (amongst others, the Yellow Dwarf), and thirty-eight exiles. Suppose at a future period some horrible tyrant should arise on the continent, from whose barbarity hundreds and thousands of human beings took refuge in this country; and suppose he were to require that we should give them up; what answer could our minister for foreign affairs (if it was desirable, as it might be, to preserve peace), make to such a demand? He could not, as lord Liverpool had said to M. Otto, or M. Andreossi, when the French government made a similar request with regard to Mr. Peltier, say, and say with pride, that the British government had not the power to comply with it; for the answer would be, that if an alien bill were passed in 1818 to exclude three newspapers and 38 exiles, surely one could be passed for the more extensive purpose then required. Suppose the contest in South America should end unfavourably for the people (which God forbid!) and the yoke of superstition and tyranny should again be imposed on them; and suppose, after the expiration of the present bill, a few of the unfortunate men who had been in vain contending for the liberties of their country, were to take refuge in this country, would not Spain, if she applied to have them given up, have a right to say, in the event of our refusal, that we did not treat her as we had treated other powers? Suppose those unfortunate gentlemen, the leaders of the first Cortes of Spain, who had been in dungeons for the last two years, and whose fate had not been touched upon in the House during that period, because the noble lord said that it might possibly render it more severe, were to escape from those dungeons, and Spain should claim them—we must choose between the risk of occasioning at least a coolness on the part of the Spanish government, and the horrible step of expelling those excellent persons from our shores. It was extraordinary to reflect, that in the year 1811 the Cortes was recognized by treaty as the constitutional government of Spain. By Russia it was so recognized, and the Spanish Cortes actually ordered Te Deum to be sung for that expulsion of Buonaparté from Russia, which was to be the cause of plunging its best members into hopeless captivity. Should they now escape, and should they, knowing the traditional character of England as a model of liberty, and an asylum for the persecuted, come over hither, they would here meet with the Alien bill, and they would find that they were released from their dungeons only to become, in all probability, the subjects of a quarrel between Spain and Great Britain. In Russia they might obtain a secure asylum. Of all the prodigious occurrences of the present age, one not the least extraordinary was, that Muscovy should be thus at the head of just and liberal principles, and England at the head of prejudice and intolerance [Hear, hear!]. The hon. and learned gentleman concluded his very eloquent speech by declaring his principles to be in decided opposition to the present bill.

The *Attorney General* contended, that the bill had merely for its object to grant the King that authority to send individual aliens out of the kingdom without proclamation, which he possessed by common law to send all individuals out of the kingdom by proclamation. Without an alien act, the Crown had no influence over individual aliens, whatever were their principles, designs, or conduct; but by the common law the prerogative gave the King a power to order them all out of the country. He was surprised to hear this principle disputed, as even Magna Charta recognized the right of the King over aliens, by enacting that alien merchants might reside in the kingdom without molestation, "nisi antea prohibiti fuerint," a phrase which plainly implied that they might be prevented from entering the kingdom, or ordered out of it by royal authority. When subjects left the kingdom it belonged to the sovereign to call them back by proclamation; and, by analogy, the same power extended over foreigners to order them away. The King had no power in the latter case to take up aliens, and send them away—a power which was proposed to be given by this bill. He was obliged to follow the more circuitous plan of issuing a proclamation, and if it was not obeyed, to prosecute the persons who neglected it, for disobedience. The hon. gentlemen who opposed this bill had misrepresented its nature, by calling it an act directed against foreigners, and intended to render their residence here less secure: it enacted nothing against aliens; it conferred nothing on the Crown

but the proper exercise of its acknowledged prerogative. The question was therefore reduced to one of expediency; and he would ask, would it be safe, would it be politic, after the events of the last twenty-five years, to return immediately to the state of law on this subject that existed before 1793? The House had heard much from an hon. and learned gentleman on the debates which took place when the alien bill of that period was discussed; but, in opposition to the tendency of the hon. and learned gentleman's argument, he would say, that the opponents of the measure at that time did not, like its opponents now, deny the King's right by proclamation to order foreigners to depart the realm. The same line of reasoning was then followed as on the present occasion with regard to the expediency or the policy of the bill, but all concurred in the principle of the royal prerogative on which it was founded. Those even who had then opposed the act on the only proper ground—its expediency and necessity—he was sure, on an impartial view of subsequent events, would now acknowledge that, however inconsistent it had appeared with their views or principles at the time, it had afterwards proved itself to be one of the wisest and most beneficial acts that had ever passed the legislature, by saving us from those revolutionary horrors to which other nations had been subject. The powers then granted had been exercised with impartiality, and had not, as had been stated by an hon. and learned gentleman on a former night, been directed more against one class of Frenchmen than another. The bill now before the House would be used with the same impartiality, as it was justified on the same grounds of expediency. It violated no principle of law, of hospitality, or of humanity. It could not be viewed with an hostile eye by foreigners as any injury to their rights. It was merely intended for self-protection; and if it was not passed, our character would not be raised, while our humanity might be despised and our policy derided by foreigners.

The question being put, "That the Speaker do leave the chair," the House divided:

Ayes	99
Noes	32
Majority	—67.

List of the Minority.

Barham, J. F.	Langton W. G.
Barnett, James	Leader, Wm.
Burroughs, sir W.	Lemon, sir Wm.
Byng, G.	Mackintosh, sir J.
Campbell, gen.	Newport, sir J.
Carter, John	Philips, G.
Caulfield, hon. H.	Rancliffe, lord
Duncannon, visc.	Ridley, sir M. W.
Douglas, hon. F. S.	Romilly, sir S.
Fazakerly, N.	Sharp, R.
Folkestone, visct.	Smith, John
Fergusson, sir R. C.	Tavistock, marquis
Grant, J. P.	Wilson, Thos.
Gordon, R.	Wood, alderman
Hamilton, lord A.	TELLERS.
Howorth, H.	Bennet, hon. H. G.
Heron, sir Robt.	Lyttelton, hon. W.
Jervoise, G. P.	

The House then went into the committee, when Mr. Barham moved, that the blank respecting the duration of the bill be filled up with one year instead of two. A division took place on the original question. Ayes, 90; Noes, 24; Majority for two years, 66. Mr. J. P. Grant proposed a clause, giving the power to an alien, who was ordered to leave the country, to specify within a week the port to which he wished to go, and to be transported thither in any vessel that may sail to that port within a month, he remaining in the interim in safe custody. Sir S. Romilly proposed to add to the clause in which the duration of the bill was fixed for two years, the following words, "except as far as relates to foreigners who have been resident in this country since the 1st January, 1814." Mr. Brogden the chairman, and the Speaker, expressed it to be their opinion, that as the bill was merely to continue an existing act, and as no instructions had been given by the House to the committee to receive such clauses or amendments, they could not be received in that stage of the proceeding, although they might be introduced on the report, or on the third reading. Mr. J. P. Grant and Sir S. Romilly acquiesced in this decision, and intimated their intention of proposing their respective amendments in a future stage of the bill. The House then resumed.

HOUSE OF LORDS.

Wednesday, May 20.

NEW CHURCHES BUILDING BILL.] The House resolved itself into a Committee on this bill. On the first clause being read,

Lord *Holland* observed, that when he stated his objections to a grant of the public money, under the present circumstances of the country, for the purpose of this bill, he had intimated his opinion that the funds required for carrying the bill into effect ought to be supplied by the church itself. When he stated this, he was not aware that in the present reign, and in his own time, a precedent for the practice he recommended had been established. There was, however, an act of the 37th Geo. 3rd by which the emoluments of two prebends of Lichfield were sequestered for the purpose of repairing the cathedral. Now, though the bill to which he alluded might be regarded as a private bill, he saw no reason why the principle should not be adopted in the present measure, and applied to the benefit of the public.

The Archbishop of *Canterbury* said, that the measure to which the noble lord had referred was resorted to for the advantage of the individual church from which the sequestration of the prebends had been made. This was a very different case from a measure which had in view the supplying of a general deficiency of churches by building new ones.

The Earl of *Liverpool* thought it must be evident, that a measure of the kind proposed by the noble lord would produce a mere mite towards the expense required for the measure now under consideration. The precedent he recommended could not be adopted to an extent which would be in any way useful, without its operating seriously to injure the interests of the church.

Lord *Grenville* could not admit the propriety of the precedent referred to by his noble friend. Whatever fairness there might be in the sequestration of prebends for the repair of a church, the principle did not apply to the building of new churches. It was besides objectionable on account of the great extent to which that principle must be carried to render it useful; for the object of the bill could not be accomplished without a sacrifice of a more serious nature than that which would be occasioned by the grant in this bill.

Lord *Holland* was aware that the precedent to which he had called their lordships attention did not exactly apply; but when the country was called upon, under the pressure of so many difficulties, to make so large a sacrifice as that required, he was of opinion that a church so richly endowed as the church of England was, ought to be expected to supply from its own bosom some of the means required to carry into effect this bill. He acknowledged the justice of the distinction pointed out by his noble friend, but there was notwithstanding still some analogy between the case he had pointed out and the object of the present bill. At any rate, the sequestration of these prebends was a complete answer to the assertion, that the whole church establishment was not more than the good of the country required. If that was the case, how could this sequestration have been agreed to in 1796?

On the clause, limiting the powers of the commissioners to the building of churches, so as to afford the greatest possible accommodation to the largest number of persons,

Lord *Grenville* expressed a doubt whether the words were sufficiently explanatory of what were the intentions of its framers. He agreed that to afford the greatest possible accommodation to the largest number of persons, ought to be a primary principle; but whilst he deprecated all useless splendor in the building of churches, he thought it of importance, that that mode should be adopted which was best calculated to inspire devotion, and which was characteristic of the established church—that there should be a decent decoration, and not that the mere unqualified principle should be acted upon, of providing room for a large assemblage of individuals.

The Earl of *Liverpool* entirely agreed with the noble baron in the view he had taken of this clause, and was decidedly of opinion, that though the providing the greatest possible accommodation for the largest number of persons ought to be a leading principle, and though he was wholly and completely adverse to incurring a heavy expense for mere splendor (the evil effects of which were manifested in the execution of the act of queen Anne), yet there ought to be that decent decoration which would mark the character of the established church; and should it fall to his lot to have any concern in the execution of this act, he should certainly so interpret it, that interpretation being, he had no doubt, thoroughly consistent with the intentions of the framers of the bill.

Lord *Holland* was far from being an enemy to ornamental architecture, and thought it might be displayed in churches as well as other public edifices; but, under

the particular circumstances of this bill, he should object to any superfluity which was likely to create an occasion for calling for farther sacrifices from the public. It was a principle, that acts of parliament should be interpreted by the fair construction of the words they contained, and not by any inferences of what had been the intention of those who passed them; and he confessed that, for his part, he liked the literal meaning of the words of the present clause much better than the explanation of them which the two noble lords had attempted to give. Such explanations might afford the commissioners a pretext for extravagant expenditure, on the ground that they had followed what they understood to be the intention of the legislature. Besides, their lordships stood in a particular situation with respect to a bill of this kind. How did they know but that the other House had worded the clause in the manner in which it stood, precisely for the purpose of preventing its being understood in the sense which the explanation of the noble lord would give it?

The Earl of *Harrowby* observed, that parliament would have the opportunity of controlling the proceedings of the commissioners, and checking either too great economy on the one hand, or too much profusion on the other. He was decidedly hostile to incurring unnecessary expense for splendor, but he never could agree, that it was intended by this bill merely to erect four walls like a barn, solely upon the principle of affording the greatest possible accommodation to the largest number of persons. He certainly thought there ought to be that decent decoration which should mark the character of the established church.

The Archbishop of *Canterbury* said, that although he was very far from wishing that money should be expended in any way that might appear to be unnecessary, he trusted their lordships would not forget the object of the present bill. Even the humble spire of the village church indicated the purposes to which it was dedicated. If edifices were erected which departed so far from the style of ecclesiastical architecture that they might be mistaken for places devoted to another use, he conceived that one object of the present bill would be entirely lost sight of. As little was he disposed to recommend a superfluous expenditure; but when allusion was made to the churches erected in the reign of queen Anne, and in which, perhaps, the system of decoration had been carried too far, it appeared to him that one material point was forgotten, namely, that the churches then erected were not built merely to accommodate the people of London and Westminster, but were designed to remain as lasting ornaments of their cities. He was satisfied, that while their lordships paid a due attention to the accommodation of the frequenters of the Established Church, in point of room, they would not neglect an adherence to that mode of building which characterised the reformed church of England from churches where that reform was carried too far.

The Bill then went through the Committee.

HOUSE OF COMMONS.

Wednesday, May 20.

CONTAGIOUS FEVER IN LONDON COMMITTEE.] Mr. *Bennet* in presenting a Report from the Select Committee appointed to inquire into the state of Contagious Fever in the Metropolis, said, he wished to call the attention of the House to this important subject. It appeared, that during last year, the cases of fever had increased to nearly seven times their former number. There was only one establishment in the metropolis for the reception of fever patients solely. It was instituted in 1802, and from very small beginnings, had grown to be a considerable establishment. It was however by no means equal to the wants of the metropolis. The House would learn with some surprise, that it was the practice in all the hospitals of the metropolis to mix contagious fever patients with ordinary fever patients. The consequence was, that fever was generated in the hospitals, and that persons affected with ordinary fevers frequently caught these contagious fevers. It appeared, that in these hospitals, not only had the contagion been caught by patients, but that nurses, attendants, students, and even physicians had also caught it. The species of medical police, as it was called, applicable to fever hospitals, was very different from that of ordinary hospitals. It was a melancholy truth, that the hospitals in the metropolis were by no means equal to the wants of the population. There was not an hospital in the metropolis which did not every week turn from its doors a great many applicants.

It appeared, that at some of the principal hospitals, four cases out of five were weekly refused. By increasing the means of the fever hospital, not only would persons who could not now obtain admission into any hospital, be received, but a material relief would be experienced by other hospitals which were ill adapted for cases of contagion. The committee thought fit to recommend to government, the grant of a small sum of money to extend the accommodations of the fever hospital. Government had thought fit to give 1,000*l.* towards this object. Its expenses had risen last year from 500*l.* to 1,700*l.*; and the number of patients from between 70 and 80 to 700 and upwards. The committee recommended that government should grant an additional sum of 2,000*l.*, making in all 3,000*l.* This would increase the accommodation from sixty-nine to one hundred beds, which from calculation appeared to them sufficient to answer the wants of the metropolis. In recommending this grant, the committee were fully aware, that it was in general better to leave the relief of distress to private charity; but, in a case like the present, where a disease originating in the dwellings of the poor spread rapidly, and affected all classes of society, it became necessary to lose no time in arresting the progress of contagion. He should at present merely move that the Report be printed.—Ordered.

EDUCATION OF THE POOR BILL.] Mr. *Brougham*, in moving the third reading of this Bill, said, he wished to mention a circumstance which he had not stated in the former discussion. The bill itself only went to inquiry and report: but, unquestionably, it was his intention, after the inquiry had been gone into, to ground farther legislative proceedings on it; and it was not in his plan to wait till the whole inquiry was gone into. As soon as one report was received, which must be in six months by the act, if he should not enter on any general measure respecting the planting of schools or otherwise, he should at any rate, ground on the first report such measures as might be necessary in aid of the law. It would be a very feeble remedy for so great an evil to send all these abuses to a court of equity.—The Bill was then read a third time, and passed.

BREACH OF PRIVILEGE—THOMAS FERGUSON REPRIMANDED.] Lord *A. Hamilton* moved the order of the day for bringing Thomas Ferguson to the bar of the House, in order to his being discharged. He observed at the same time that had it been consistent with the practice of the House, he should also have moved that Ferguson be reprimanded. But as it was understood to be the rule and practice of the House, that the party offending should be reprimanded from the chair, he should simply move, that T. Ferguson be brought to the bar of the House in order to his being discharged.

Thomas Ferguson was accordingly brought to the bar, where he received a Reprimand from Mr. Speaker, and was ordered to be discharged out of custody, paying his fees. The Reprimand was as follows:

"Thomas Ferguson; This House having received the report from the committee of privileges, respecting a letter written by you to a voter of the county of Lanark, to influence his vote in the election of a member to serve in parliament, did resolve, that in writing and sending such letter you were guilty of a corrupt attempt to subvert the freedom and independence of election, and a high breach of the privileges of this House; and for that offence you were committed to his majesty's gaol of Newgate. Your petition has since been received; and in consideration of your full and entire acknowledgment of your offence, and of the contrition you have expressed for it, and trusting that what you have already suffered will operate both as a warning to yourself and an example to others; this House is disposed to extend to you its lenity as far as is consistent with its justice; and now to relieve you from farther imprisonment: I am to acquaint you, you are discharged, upon payment of your fees."

Ordered, *nem. con.*, That what has been now said by Mr. Speaker in reprimanding Thomas Ferguson, be entered on the Journals of this House.

STATUTE LAW OF SCOTLAND.] Sir *John Newport* said, it would be in the recollection of many members, that some time since the first law officer of the Crown for Scotland, had stated in this House, that certain acts of parliament in Scotland had gone into desuetude; that the supreme court of law in Scotland had the power of pronouncing what acts of the legislature were, and what were not in force; and that it was so well known that

such a power was exercised by the lords of session, that no man from that part of the country could be ignorant of it. Now, as it was important that the people of Scotland, as well as the people of other parts of the empire, should know by what laws they were bound, and for that purpose that they should look to the Statute-book, and not to the proceedings of courts of judicature, it was important to know what laws were, and what were not, in desuetude. This was important, not merely to the people of Scotland, but also to the people of the other parts of the empire who might have connexions with them. One ground that was stated for a law's not being acted on was so extraordinary, that it could not fail to astonish the House: a law was considered as in desuetude, and no longer binding, when for a long time it had not been acted on; so that in proportion as a statute had been operative in the prevention of crime, in that proportion was it to be considered a nullity. It was stated farther, that in some particular instances, some parts of an act were in desuetude while other parts were in force. Whatever opinion might be entertained of the absurdity of some of the Scotch statutes, it belonged to the legislature, and to the legislature alone, to repeal the law; and if a court of law thought fit to erect themselves into a legislature, it was full time to warn them that they had exceeded their duty. He concluded with moving, "That the Lords of Session, the Judges of the court of Justiciary, and Barons of the Exchequer of Scotland, be directed to cause to be made out and presented to the House of Commons, within six weeks after the commencement of the ensuing Session of Parliament, a Statement of such parts of the Statute Law of Scotland, or of the United Kingdom, as the courts of justice of Scotland have declared or considered to be in desuetude, and no longer binding on the people of that part of the United Kingdom; together with a statement of the authorities on which they have grounded such decisions."

Mr. *Bathurst* admitted, that it must appear strange to the ears of Englishmen, that in any part of these kingdoms there should exist a doubt as to the effect and operation of the existing statutes of the realm. That part of the statutes of Scotland were in desuetude could not be denied, although it had already appeared, that the assumption that they were in desuetude had proceeded upon the authority of the opinions and decisions of the judges and first legal characters of that part of the empire. He certainly thought there was sufficient ground for the introduction of a bill to remedy the evil, without calling for the statement moved for by the right hon. baronet. At any rate, the words "or consider," should be left out of the motion.

Mr. *Abercromby* said it was a most important question, whether courts should continue a practice by which they could silently subvert the laws of parliament, and that the judges should consider whether laws were or were not in desuetude, and no longer binding. This matter was fit for parliamentary consideration. As to bringing in a bill upon it, he must say, he thought it essential to have, first, the necessary returns, in order to know what laws had, and what had not, been considered as having fallen into desuetude. With that knowledge, the House would be competent to found some proceeding. It was quite a parliamentary usage to inquire of the judges for information which they were the best enabled to afford. As to the words "or considered," he thought they should remain in the motion, as meaning that the judges were called upon to consider and state what laws they had declared in desuetude, and the principles on which they so held them. It appeared right, for the sake both of the judges and of the House, that the principles of the regulations of the courts should be stated.

Mr. *W. Dundas* thought that the motion would throw a great deal of trouble upon the court of session. Part of the information required was desirable, but it might be obtained in a less objectionable way.

Lord *A. Hamilton* said, it was worthy of the serious consideration of parliament, how far a court of justice should be suffered to set aside the written law by its mere arbitrary authority. It seemed extraordinary that judges should decide, as cases happened to arise, whether acts of parliament were in force or were not. In a late case, the burgesses of Aberdeen clearly showed that they had a right, by acts of parliament, to elect their magistrates. But the counsel on the other side argued, and the judges were of opinion, that long-continued usage had thrown those acts into desuetude. It was usage *versus* an act of parliament, and usage carried the day. At the same time, it would not be right to pass an act to de-

clare all acts not repealed to be still in force; for decisions founded on the desuetude of several acts would, in that case, be unsettled. But inquiry was necessary, and some suitable remedy was much called for. In England, the old law of appeal of murder had lately occupied much of the public attention. The judges had declared, that the trial by battle was the law of the land. There was no one who heard him who did not regret that this was the law; but no one would therefore say, that the judges had the power of annulling the law. The great city of Aberdeen had been disfranchised, and Edinburgh, the capital of Scotland, was likely to be disfranchised, and to be without representatives in parliament, owing to the desuetude of acts of parliament, and the doctrine that long-continued abuses constituted a right.

Lord *Binning* said, that one part of the motion was unnecessary, and that the return to the other was impossible. The judges were called on to say, what laws had been decided to be in desuetude. To this a cumbrous return must be made, which would be altogether unnecessary, as the facts could be ascertained by any other persons. But they were also directed to say what laws they would consider to be in desuetude. Now this it was impossible for the judges to anticipate, without the hearing of counsel and evidence. He should therefore object to the motion, as a declaratory law might be brought in.

Mr. *J. P. Grant* said, that the doctrine of desuetude was established by all the writers on the law of Scotland, as well as by the decisions of the courts. This, however, inferred no legislative authority in the court of session. It was indeed extremely inconsistent with the English administration of justice, and with the vigilance that was now exercised over courts of law. But it was borrowed from the law of Rome, when Rome was in the highest splendor of its liberty. It was a principle in the Roman law, that all laws derived their authority from the people; the popular consent was either tacit or expressed: as tacit consent constituted law, so tacit consent was held to abrogate law. It was, however, a state of the law deserving attention. Some legislative measure should be applied to this subject in the present day, when so much attention was bestowed upon the administration of law, and the state of courts of justice. The motion of his right hon. friend, whose able and unwearied attention to matters of this kind did himself so much honour, and his country so much service, went only to obtain the state of the fact, in order to lay a proper foundation for their future deliberations. The expression in the motion, "or consider," he objected to, and recommended to be left out. The only other objection that could be started was, that the motion would give much trouble to the learned judges; but this was not to be put in competition with the public service.

Mr. *Boswell* thought that some remedy was immediately called for, if the law was, as it had been said to be, a trap, and not a guide for the people. If the judges could not tell what laws were in desuetude, till counsel were heard as to each particular law, how could the people know what the law of the land was? It was from want of attention to the progress of society, that laws came to be in such a situation. Some of the laws were, at the same time, most abominably tyrannical. Lord Thurlow had decided, in the case of the church livings in Scotland, that long usage, which implied the consent of the people, had set aside the statute law. He congratulated the people of Scotland on the inquiry now originated. He hoped it would lead to the appointment of a commission, and that the result would be an act of parliament, taking away from the court of session the power of declaring any act in desuetude.

Mr. *Wynn* approved of the motion. He thought it quite as much a matter of course that the House should, in some way or other, inquire into the laws of Scotland which had fallen into desuetude, as into the expired and expiring laws of this country.

Lord *Castlereagh* said, there were many ways open of obtaining this information. It could be had either by a committee of the House, or by a commission appointed by the Crown. The worst possible way was, to call on the judges, and require from them opinions in their chamber, which they afterwards, on hearing counsel and witnesses, might depart from in their judicial capacity. The proceeding, either by a committee or commission, would certainly be inoperative at this late period of the session: he thought, therefore, that the subject ought to be postponed.

Sir *S. Romilly* said, that to that part of the motion which required an account of the laws which had been decided to have

fallen into desuetude, there could be no such objection as that stated by the noble lord. It was a mere question of fact. The rest of the motion he agreed should be omitted.

Lord *Castlereagh* said, that the judges of the court of session were too much occupied in the performance of their judicial functions, to prepare such a return as that which was required by the motion. The noble lord concluded with moving the previous question.

Sir *S. Romilly* observed, that whether a committee or a commission were appointed, still the information required could only be had from the judges; and, therefore, it was better to apply for that information to the judges at once, than to seek for it through a circuitous route.

Sir *J. Newport* said, that as the judges of England were frequently applied to for legal information to guide the judgment of parliament, he could not conceive the ground upon which a similar application to the judges of Scotland should be deemed so very troublesome. He should decline to press the House to a division, in the hope that as its attention had been drawn to a practice which no one attempted to defend, ministers would themselves bring forward some remedy for such an evil.

Lord *Castlereagh* said, that he was not in possession of the information necessary to form any opinion as to the merits of the case; and, therefore, he could not pledge himself or his majesty's ministers to take any proceeding upon the subject.

Sir *J. Newport* said, that if nothing were proposed in this case, by his majesty's ministers, at an early period of the next session, he should himself feel it his duty to submit to the House a distinct motion upon the subject.

The previous question was then carried.

Treatment of Slaves in the Island of Nevis.] Sir *S. Romilly* observed, that the motion he was about to make was, he understood, to be opposed, but on what grounds he was at a loss to conceive, and he certainly should be surprised if any good grounds for opposition were shown. The motion he was about to make was for the appointment of a select committee on the papers relative to the Treatment of Slaves in the Island of Nevis, which, he conceived, could not be refused, when certain facts calling for such a measure were laid before the House. It had been allowed that the laws by which slaves were to be governed ought to be just and humane; but to what end was it that those laws were just and humane, if they were allowed to remain without any attempt being made to carry them into execution? In the observations which he intended to make, he should confine himself to what passed in the Island of Nevis; and he should observe, that in the circumstances which he should mention, he did not mean to animadvert with severity on the persons he should name. There was no state of slavery in which cruelty did not exist; his object, therefore, was, not so much to condemn the conduct of shose persons, as to remedy the evil which by such conduct was proved to exist. When any injustice was known between a master and a slave, it was the duty of the legislature, to extend to the latter that protection, which, of himself, he was unable to obtain, or even to seek. He had before stated several circumstances which took place in Nevis, and which called for legislative interference; and, amongst others, he had mentioned the conduct of a Mr. Huggins, who had been left manager of a Mr. Cottle's estate in that island. It appeared, that two young men, slaves, had purchased each a pair of stockings from another slave who had stolen them. It did not appear, however, that the purchasers had any knowledge of the property being stolen. For this crime, nevertheless, they were to be punished, it being argued, that the man who sold the stockings, being a bad character, the parties ought to have known him. They were accordingly sentenced to 100 lashes each, though the law limits the number to 39. Mr. Huggins was present at the infliction of this punishment, as were also two female slaves, one the sister, the other a near relative of one of the culprits. These poor women on witnessing the punishment of their friends shed tears, and for this heinous crime Mr. Huggins, thinking it fit that they also should be flogged, ordered them to receive one 25 and the other 20 lashes, which were inflicted with a carter's whip. For this offence Mr. Huggins was indicted, he was tried before a petty jury, and though the facts were clearly proved, and though no defence had been made, save an allegation of riot, which was also disproved by evidence, it was a singular fact that Mr.

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Huggins was acquitted. On this subject there had been papers transmitted to the secretary of state from the counsel for the Crown on the trial, the attorney general of Nevis. There had also been accounts transmitted from the legislative council, in which accounts there was some difference: in the latter there was given the speech for the prisoner, while that made on the part of the Crown was omitted. It was stated by the legislative assembly, that though the defendant did not call evidence on his trial, yet he might have done so if it had been thought necessary; and all this was done to justify the conduct of Mr. Huggins. He did not care about Mr. Huggins. Mr. Huggins might probably deserve the confidence placed in him by Mr. Cottle, his employer: he looked only to the facts stated before the jury on the trial, and not to any statements made subsequently to that trial. It had been urged, that the poor creatures flogged could not have been much injured, as they had been seen at work shortly after. But let the House look to what appeared on the trial; where it was proved, that those poor slaves, female slaves too, were at their work, it was true, but in a lame and crippled state, and that, after the infliction of the punishment upon them, they were seen in a wounded and bleeding state. There were also other papers sent to this country relative to this transaction. In these papers it appeared rather extraordinary, that the speech of Mr. Huggins at the legislative assembly in his own defence, and also a resolution of the assembly that Huggins's defence should be entered on their journals. But in order to form an idea of the accounts given by the legislative assembly, it would be necessary to inform the House how this assembly was constituted, or at least who the parties were by whom these accounts had been sent. It appeared that one of the parties was no other than the identical Mr. Huggins who had been tried. Another was the brother, a second the son, and a third the father of this same Mr. Huggins. Another gentleman who formed one of the legislative assembly was the retained counsel of Mr. Huggins. The account sent by the agent of the island did not state a word as to who the parties were who composed the assembly. He should not trouble the House much farther on the present subject, but he could not help observing, that he never witnessed greater partiality than that shown by this assembly; they were not content with sending their own account, but they also sent a letter of the governor of the island, who did not confine himself to the support of Mr. Huggins's character for humanity, and his convivial qualities at his table, where he understood Mr. Huggins was a frequent guest, but the governor also said, that he was perfectly satisfied with the verdict. The assembly also gave in their account to the secretary of state the speech of the defendant's counsel, and he wished the House to observe what the points were which the assembly selected for the consideration of the secretary of state. In the speech of counsel it was stated, "That there never was a country where the interference between master and slave was likely to produce more alarming effects than in that, and it was to be regretted that such questions should be agitated, unless where it was found to be absolutely necessary." It had been proved that Huggins had been advised, nay, requested not to punish these poor women, who had, in fact, only shed tears when they saw their relatives innocently punished. It had been proved that Huggins had punished them, and notwithstanding this he had been acquitted. The question then arose, whether the jury were justified in giving such a verdict, where not even a shadow of defence had been made? What must be the state of the population of those islands if they were to be whipped at pleasure for giving way to the feelings of nature at the distresses of their friends? It was not, he should repeat, for the sake of Huggins that he made the motion; but for the purpose of pointing out the evil, and of obtaining a remedy for it. He should, however, observe, that Huggins had before been accused and tried for cruelty, and had been acquitted; and this, he conceived, was a circumstance worthy of remark. Under all these circumstances, he was at a loss to account for any opposition to his motion, unless the gentlemen on the other side were deceived in the information on which they relied. It appeared from the whole of the transaction as if the governor and council of the island had sacrificed themselves in order to protect Huggins; and he should ask, if it was not even on their account necessary that some investigation should take place? He did not mean to state, that the punishment to which he alluded was at all extraordinary; but, whether it was or was not, still if it was

unmerited, it called for redress, and, in order to afford such redress, inquiry was necessary. The circumstances of the punishment, too, were worthy of notice. Poor unprotected female slaves were to be whipped with the greatest severity—and for what ? for nothing more than their being possessed of those feelings of humanity, tenderness, and compassion, which were an ornament to the highest class of their sex in any country—feelings which did honour to society. It seemed also as if Mr. Huggins intended to practise a refinement on cruelty, by blending a sort of indifferent politeness with his severity. When he had punished the young men, and was about to punish the female slaves, who shed tears at the sight of such severity, he (Huggins), turning to one of his attendants, said, " now bring out the ladies ;" and while they were extended on the ground, and receiving their punishment, he was heard frequently to say to them, " now cry," as if taunting them with the possession of the feelings of humanity. He should not go into the subject any farther, but should move, " That a Select Committee be appointed to take into consideration certain Papers laid before this House on the 30th day of April last, relating to the Treatment of Slaves in the Island of Nevis; and to report their observations thereupon to the House."

Mr. *Goulburn* observed, that his opposition to the motion rested solely on the general principle of its being inexpedient for the House to interfere upon *ex parte* evidence, with the judicial proceedings of a competent tribunal. He could not allow any weight to documents received after a trial, at which every witness had been subject to cross-examination. It was on this ground that he had signified his intention of resisting the motion, and not with the view of defending the character of Mr. Huggins. The hon. and learned gentleman, however, had put the question on somewhat a different footing by his statement that documents of a garbled nature had been produced from the office of the secretary of state, and that the blame must attach either to that office, or the agent for the island. In this view he had no objection to the inquiry by a committee; for the office of the secretary of state had as much right to complain as the House, if imperfect and mutilated accounts had been transmitted. At the same time it was right to state, that certain parts of the papers ordered had not been communicated, and that the passages thus omitted contained animadversions on the characters of individuals, bearing no reference to the facts of the inquiry. It would have been a breach of duty, and of that confidence with which representations were made to government, if attacks on the characters of different persons had been thus published to the world. He would now repeat, that he had no objection to the motion provided the investigations of the committee were properly limited.

Mr. *Wilberforce* implored the hon. gentleman to reconsider the subject before he resolved to maintain the doctrine, that that House had no authority to revise the administration of the laws in the West Indies. It was one of the guardian privileges of the House, as he understood its privileges and functions, to exercise the power, when it should appear necessary, of canvassing the proceedings of every court of justice, even those in which the judges of the land presided——

Mr. *Goulburn* denied that he had advanced any such doctrine as that now ascribed to him. In all cases he fully admitted the authority of the House to inquire into any matters, although judicially determined. He had confined himself entirely to the argument of the inexpediency of the House re-trying, on imperfect evidence, what had been disposed of by a competent tribunal.

Mr. *Wilberforce* resumed his observations. He said, that he meant to state distinctly in his place, that justice was not equally administered in the West Indies. The unfortunate slaves, it must be remembered, had no representatives in that House ; a circumstance that should induce it to take a more lively concern in their welfare. When he heard of the purity of West Indian justice, it brought to his recollection the descriptions he had formerly heard of the delights of the passage from Africa to the West Indies; descriptions which would have induced those who put any faith in their correctness to regard it as a kind of Elysium, although it had been subsequently proved to be a concentration of misery, such as never was before crowded into an equal space. He had never seen a set of papers relating to any trial that seemed to him to call for more serious investigation. Many things were stated totally undeserving of belief. Was it not too much to represent, that a lady had sold Mr. Huggins an estate for

3,500*l.* less than she might have obtained from another purchaser, because the transfer was gratifying to the slaves? He really thought the lady might have discovered in the West Indies, if not in the island of Nevis, some means not involving so great a sacrifice on her part of giving satisfaction to her slaves, without consigning them to the care of Mr. Huggins. When it was said that some passages in these documents were suppressed, in consequence of their relation to personal character, he must say that many were preserved that contained reflections, not only on the late Mr. Tobin, but on the African Institution.

Mr. *Marryat* rose to oppose the motion. As he recollected in the year 1811 to have designated the conduct of Mr. Huggins as outrageous and unprincipled, he conceived that he was free from prejudice in now attempting to vindicate the more recent proceedings under consideration. With regard to the lady whose sale of her estate to Mr. Huggins had been alluded to, it might be understood, without attributing it altogether to humanity, as the contract was for money paid down to the amount of 16,500*l.* He had nevertheless known cases in which a considerable sacrifice had been made, in order to dispose of the slaves with their own consent. As agent to the islands, he had himself sold estates at a much lower price than might have been obtained, with the view of transferring the slaves to masters of their own choice. In considering the circumstances of the present question, it should be remembered, in the first place, that the prosecution against Mr. Huggins was undertaken at the instance of the resident authorities in the island. The hon. gentleman read a part of the evidence and depositions taken on the trial of Huggins, and contended that there was no proof of excessive severity. He then stated the case and endeavoured to show that the crime for which the slaves in question were punished was of an aggravated nature. A felony and burglary had been committed, and two slaves on the estate of Mr. Cottle, for which Mr. Huggins was agent, had received the stolen goods, consisting of stockings and some other articles, refusing to deliver them up, though offered the sum for which they had been purchased. Such an offence as this in England would subject the parties to transportation, and in the West Indies it rendered them subject to the penalty of a flogging. He had every reason to believe, from the evidence adduced, that the punishment inflicted was not more severe than what was merited. It appeared that the person who used the whip had relaxed in his exertion, and that the punishment was not so severe as it had been represented. Although no evidence existed on the point except a statement of the consequences, that statement was sufficient to warrant the conclusion that the persons punished had not suffered severely. There were several affidavits to prove that they appeared at a masquerade on the Monday evening following; and though that circumstance might be doubted from some contradictions in the evidence, it would appear at any rate that they had been seen at their work on Monday morning. Thus it was evident that the effects of their punishment did not prevent them from engaging in their usual occupations two days afterwards; and the inference was irresistible, that that punishment could not have been cruel or severe. If any farther testimony was required to establish this fact, he might read the depositions of Dr. Archibald Stather, and other persons, who all said that they had seen negroes, for less offences, punished with greater severity. Much had been said of the cruel treatment of the women, who, it had been asserted, were punished solely because they appeared to sympathize with the sufferings of their friends and relatives. This part of the case was even more exaggerated or coloured than the former. It appeared that one of these women was at the dance on Monday night, and at any rate it was proved that they went to their usual work on the Monday morning. Not only was the severity of their punishment exaggerated, but its cause was misrepresented. Against the story that they suffered on account of the expression of their sympathetic feelings, he had to state the improbability of the fact. It was stated in evidence, that these women were punished, not for the expression of sympathy with suffering, but for cries, rage, and insubordination, tending to the subversion of authority. Such were the facts of the case, so far as he had been able to collect them from the documents and evidence. If any cruelty had been exercised, he would not be its apologist; but he did not think that any good could be accomplished by the perpetual agitation of questions like the present. He was not one of those who denied the right of the mother coun-

try to interfere with the administration of justice in the colonies on all occasions, or to watch with a vigilant eye, so as to prevent or to correct abuses, when the local authorities neglected so to do; but he would always contend for the policy of exercising that interference prudently, imperceptibly, and silently, taking care that no groundless clamour was excited, and no sentiments tending to the subversion of order and subordination countenanced or inculcated. Gentlemen were not aware of the full influence and effects of discussions like the present on the minds of the slave population, whose interests might be guarded, and whose good treatment might be secured by representations, in cases of abuse, to the proper department, which might again influence the governments of the colonies, and thus produce its proper result without noise and without danger. He deprecated, particularly, doctrines that had a tendency to excite insurrection among the slaves, or to convince them that they were treated with cruelty or injustice, by being kept in a state of servitude. The phrases used, that the colour of a man's skin should make no difference in his situation, and the eulogies lavished in some publications on the black emperor of Hayti, tended to inspire them with the idea that they were cruelly treated, in being debarred from an equality with the whites, and had a tendency to excite them to revolt, for the recovery of the rights of which they imagined themselves unjustly deprived. It ought to be recollected, that the dominion of the whites was founded on opinion; and if that opinion was destroyed, the authority of the planters was at an end, the order of West India society would be subverted, and the rights of the masters would be buried along with the comforts, prospects, and anticipated improvements of the slaves. When views of humanity were directed against the rights of the planters, and those planters were accused of being the authors of slavery, it ought to be told that they did not create that servitude which they were charged with the desire to perpetuate, by the members and the publications of the African Institution. The slavery complained of was the work of the British government, and continued under British laws; and if the rights of the colonial proprietors, acquired under such guarantees, were to be interfered with, the parties ought in this case, as in others, to be indemnified. The African Institution had told the world, and told it justly, that if you want to abolish slavery ultimately, you must cut off the supply of slaves. This had been done, and a gradual amelioration of the state and prospects of the slaves might be expected to be the consequence. As improvement advanced, and as the labour of slaves became of more value, from an increased demand for it, their condition would gradually ameliorate. When at last the price given for the labour of slaves would purchase that of free labourers, slavery would abolish itself. Looking to this view of the case, and the prospects thus held out, he could not but deprecate discussions of this kind, which might rather retard than promote the purposes in view, and disturb, by unseasonable interference with the conduct of the planters, the natural course of events. Reverting to the subject before the House, he was surprised to hear from the hon. and learned mover, that there were persons in this country who could give information on the transactions in Nevis. He knew of nobody who could give such information but the counsel for the prosecution, whose accounts, as they appeared in the papers before the House, must be exaggerated, and whose statements, as to the excessive severity perpetrated on the slaves of Mr. Huggins, were contradicted by other testimony. He concluded by saying, that he saw no reason for the inquiry, and should therefore oppose the motion.

Mr. *Gordon* was surprised at hearing a sort of defence set up for Mr. Huggins. He did not think the African Institution deserved the reflection which had been thrown on it; and as an individual connected with the West Indies, he was anxious not to be mixed up with the opinions expressed by the last speaker, on the inexpediency of a public inquiry into matters connected with the treatment of slaves in the colonies. He thought the dominion of the whites would be best maintained by kindness to the slaves. A stronger case than that now before the House, had, in his opinion, never been brought forward. He could hardly believe that he had rightly heard the last speaker, when he said the jury appeared to have been justified, under all the circumstances of the case of Mr. Huggins, in finding the verdict they had returned. He felt that an inquiry was properly demanded, and should therefore support the motion.

Mr. *Barham* was favourable to the principle of inquiry. It was the duty of the House to know whether the law was duly administered in all, and particularly in the smaller colonies, and if there was any abuse which would not, or could not be corrected, then to point out the remedy which might seem most fitting. He could not for a moment agree in the principle, that the House ought not to interfere; for the colonial legislative powers were only acting under a trust, which might be forfeited by abuse. He concurred in the propriety of bringing every subject connected with our colonies before the House, where the evil, if any was complained of, could not be remedied by the local governments. He wished to guard the House against any extension of the conclusion which they might draw from one case of abuse to the whole of the colonies. The case which had been mentioned was certainly according to the statement, one of a very flagrant nature; but then it was only one case, and that too in an island, where even a number of such occurrences ought not to draw down any general censure upon the conduct of the West India planters. In the larger islands there was, he was certain, as strong a desire, as well on the part of the governments as on that of individuals, to ameliorate the condition of the slaves, as could be desired by the most sincere friends of abolition in this country; and so far was this carried that he would venture to affirm, that, abstracting the name of slavery, the condition of the slaves in most of the large islands was in general preferable to that of a large portion of the lower classes of the peasantry in this country. With respect to the motion before the House he had no objection to it, and he expressed his thanks to the hon. and learned gentleman for the humane disposition which induced him to bring it forward.

Mr. *Warre* was surprised to hear such an observation, as that the condition of the slaves in some of the islands was superior to that of a large portion of the peasantry of this country. He thought, that no comparison ought to be made between them and the lowest class of people under even the most despotic government; for though they might be clothed and fed better than some of our peasants, yet it should not be forgotten that they were sent to labour with the whip at their backs. The hon. member then contended, that it was absurd to suppose that any real good would be effected for ameliorating the condition of the slaves, unless such discussions as were then before the House were raised. It was by such discussions that every thing which had hitherto been done had been effected; for until they had been raised and repeated, the House had heard what were since found to be the most crying grievances praised as acts of great lenity and humanity. To any person who had read the evidence on the trial of Huggins, it must be apparent that the grossest acts of cruelty had been committed. It was clearly proved that the two women had been punished for crying at seeing their relatives punished. This he conceived was a piece of cruelty which no circumstance could palliate.

Mr. *W. Smith* supported the propriety of encouraging discussions of this description. Until public discussions on this subject had taken place, not a single abuse was discovered; but, when investigation was introduced, step by step they proceeded to the abolition of the Slave trade. They were told, by the House of Assembly at Nevis, that they were about to form a code of laws, which would be as beneficial as those of Jamaica—a code that would be satisfactory to all persons, except the African Institution. Now, he had belonged to the African Institution from the beginning, and he could say, that that Institution did not care about the approbation of the House of Assembly at Nevis. At the same time, he must observe, that, on one occasion, the African Institution had acted improperly. They were deceived; and, through the medium of a most respectable publisher, they had given to the world a statement that was not true. But, what progress had the legislature of Nevis made in the formation of this admirable code? That would easily be seen by a reference to a particular case. About a year and a half ago, a clergyman was called on to marry, by bans, a slave, the property of a Dr. Cassin, in Nevis. The moment the circumstance was discovered, it became the subject of angry discussion in the House of Assembly; the clergyman was desired not to proceed; and, at length, he received a decisive order, commanding him not to perform the marriage ceremony. Here, then, it appeared, that these legislators thought proper to discourage marriage amongst the slaves, and thereby to favour a system of concubinage. After all they had promised, nothing had been done,

nor would any one effectual step be taken unless the House exerted themselves to produce it. With respect to the two boys, it was confounding all distinctions of persons and things to apply the words felony and murder to their offence. These were technical words of the English law, made for men living in civilised society. He hoped when any thing like that which produced this motion was committed in the West India islands, it would undergo the strictest investigation.

Mr. *A. Browne* said, he did not mean to advocate the case under consideration, but he thought the House should be on its guard against exaggerated statements. He was convinced that the system pursued by the planters towards the slaves was become much milder of late years, and that even if the present case was found to be a case of cruelty, it could only be considered as an exception to the general practice of the islands, and not as a sample by which that practice could be estimated.

Sir *S. Romilly* rose to reply. He could not, he said, concur in the proposition for limiting this inquiry. He had moved for a committee to take into consideration the papers laid upon the table, and he did not know how farther to limit the subject. He begged to be understood as not meaning to throw any censure upon the minister for the colonial department, either on account of the papers which had been granted or those which had been withheld. It was proper certainly to keep back such as could not be produced without public inconvenience. He could not, however, help remarking, that the whole of them, with only one exception, were such as went to justify what took place. They appeared to be selected for the occasion. One hon. gentleman was of opinion that the conduct of the jury was justifiable. The trial, in his opinion, could not but create a strong impression against those who were concerned in it. He would now only notice shortly a few arguments which had been used upon the present occasion. He was surprised to hear the member for Sandwich (Mr. Marryat) say, that the verdict could be defended. Even his own statement was inconsistent with a defence. With respect to the two boys, he (Sir S.) never represented their punishment as one of extreme severity. It was mild, because the person by whom it was inflicted was their own father. In the account of this transaction it was not stated that only 25 lashes were inflicted; it was merely said that 25 lashes had been often known to produce more severe effects. The punishment inflicted was not for stealing a pair of stockings, but for purchasing them knowing that they were stolen. There was, however, no kind of proof that they had known the articles to be stolen: it was merely stated, that the man from whom the purchase had been made was a bad character. With respect to the women 22 lashes were inflicted upon the naked body of one and 20 upon the other, who was in a weak state of health at the time, and had lived in Mr. Cottle's house as a nurse. The hon. gentleman himself (Mr. Marryat) stated the case in a more aggravated way than those who brought it forward as a subject for inquiry, and his argument was, that the jury must have pronounced a verdict of acquittal because the case was utterly incredible. It was proved, however, and the proof remained uncontradicted. In extenuation of the conduct pursued, it was said that when those punishments were inflicted a spirit of insubordination prevailed among the slaves. The proofs went the contrary way. If any insubordination prevailed it must have subsided, for many had been punished. Mr. Huggins, upon the occasion alluded to, called out, not for male slaves who had been guilty of insubordination, but for "the ladies who had cried." The account of the circumstances was truly distressing. It was not stated that they made any uproar or wept loudly. On the contrary, one of them endeavoured to conceal her tears with a handkerchief, and only begged of Mr. Huggins to "forgive Richard." A man named Macdougal, it was said, had made an affidavit in contradiction to the statement of the case which the House had heard. His affidavit was made on the 19th of April. The trial did not take place until the May following, and so false was his account of the transaction that it was not even attempted to call him upon the trial. There was not a single fact before the jury which could justify their verdict. They were now told that the question of registering slaves, and others respecting their treatment in the West Indies, had no other effect than to excite disorder and insubordination among them, and to break the charm which bound the slave to his master. This argument would go to prevent all discussion upon the subject, as well here as in the West India islands. Were they, under such a pre-

tence as this, to suffer slaves to undergo every sort of treatment, even the most rigorous, without any attempt to ameliorate their condition, or to inquire into their sufferings? It was the custom to attribute every insurrection among the slaves to those who took an active interest in their condition of late years. The charge was unfounded. Revolts were much more frequent before the abolition than they had been since. This must be evident to every person who read Edwards's History of the West Indies, or Long's History of Jamaica. It was merely a cry set up in those islands by the newspapers, and by persons interested in the continuation of abuse. Revolts and insubordination were now less frequent, and for a very good reason, because the treatment of slaves was much better than in former times.

The motion was then agreed to, and a Select Committee appointed.

PAYMENT OF WORKMEN'S WAGES BILL.] Mr. *J. P. Grant*, in moving for leave to bring in a bill to regulate the Payment of Wages, made a few observations for the purpose of explaining his measure, and the previous steps he had taken. His design was now to unite both the objects of persons interested in this subject, viz. to enable the person receiving wages not in the legal coin of the realm to be a witness before a magistrate for conviction, and to render bank of England notes, and the paper of licensed bankers, legal tenders. It was in fact only a renewal of the bill thrown out in the Lords, for the purpose of introducing an amended measure. He then moved for leave to bring in a bill "to amend certain acts passed in the 4th year of king Edward the 4th; 1st and 10th years of queen Anne; 1st, 12th, and 13th years of king George the 1st; 13th, 22d, and 29th years of king George the 2nd; and 13th and 57th years of king George the 3rd, prohibiting the payment of the wages of workmen in certain trades, otherwise than in the lawful coin or money of this realm."

Mr. *Babington* suggested that this salutary provision should be extended to more modern trades, not adverted to in the older statutes.

Mr. Alderman *Wood* was also desirous that the operation of the bill should be considerably enlarged.

Mr. *J. P. Grant* said, that the main object of the bill was, to make the existing acts effectual. He concurred in thinking that it would be desirable to extend the operations of the bill; but considering the late period of the session, it would be better to postpone any extension of the law till it could be more conveniently considered.

Leave was then given to bring in the bill, which was accordingly brought in, and read a first and second time.

ALIEN BILL.] The report of the committee on this bill being brought up,

Mr. *J. P. Grant* said, that after the discussion which this measure had undergone, he would not, at that late hour, enter into any argument upon it; but would merely read the clause, which he was desirous the House should adopt, and which would fully explain the object he had in view. The clause was as follows:—"That whereas the powers granted by the said acts were hitherto unknown to the constitution of these kingdoms, and the policy of our ancestors, and it is expedient and necessary that the exercise of those powers should be placed under the control of parliament—be it therefore enacted, that, from and after the passing of this act, a record be kept in the office of the secretary of state for the home department, of the grounds and reasons for every order made for the removal of any alien or aliens, after the passing of the said act—and that a true copy of the said record or records shall, within one month after the meeting of parliament, be laid before each House of parliament, sealed up, for them to report their opinion thereon." He feared that this clause would not be agreed to, after the votes which had already been given in that House; but still he was anxious to bring it under the consideration of Parliament, because a power of so extraordinary a nature as that granted by the act, should, as much as possible, be placed under the control of the legislature.

The clause was then brought up, and negatived without a division.

HOUSE OF LORDS.

Thursday, May 21.

SPANISH SLAVE-TRADE TREATY BILL.] On the order of the day for the second reading of the Spanish Slave-trade bill,

Lord *Holland* said, he rejoiced most sincerely that the right of search was stipulated for by the treaty, as it was only

by its exercise that the Slave-trade could be effectually stopped: at the same time, he must say, that he thought the agreement of the Court of Spain to abolish the Slave-trade in the year 1820 a very inadequate return for the pecuniary sacrifice made by the treaty on the part of this country; for he could not but consider the promise of an abolition two years hence as a very different thing from the actual consent of the court of Spain to abandon the traffic in slaves altogether. He was, indeed, surprised to find that it was necessary to make so large a grant as 400,000*l.* in order to obtain this promise of an abolition from an ally for whom this country had already sacrificed so much. He should not oppose the second reading, but he thought it his duty not to permit a bill containing so extraordinary a provision to pass *sub silentio*.

The bill was then read a second time.

HOUSE OF COMMONS.

Thursday, May 21.

REVENUES OF THE CITY OF LONDON.] Sir *W. Curtis* rose, in pursuance of the notice he had given, to move that the petition presented on the 4th of May, from the city of London, should be referred to a committee, and that the petitioners might have leave to be heard by counsel. It might be remembered that the city, some time back, by an order of the House, were called upon to give an account of their trusts and estates. The object of this order was, to establish a ground for refusing to the city of London any assistance towards building an additional gaol, unless the state of their funds required it. He did not think that the city ought to bear the expense of the gaol, as could be shown by a variety of proofs. This being the case, it followed as a matter of course, that they were not bound to produce the account which had been ordered. In the time of Charles 1st a sum of 99,781*l.* had been granted to the city for building a gaol. In 1778, 40,000*l.* was granted for the same purpose. A similar grant of 10,000*l.* was made at a subsequent period. The money expended for objects of this kind never came out of the corporation funds. All he would do now was, to move "That the petition of the city of London presented on the 4th of May be referred to a committee, to examine the matter thereof, and report the same to the House."

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Mr. Serjeant *Onslow* considered this as the last resource of the city of London. Since the 24th of February, when the order was issued, they had fallen upon every shift to elude a compliance with it. They now prayed to be heard by counsel against the order, when the session was about to expire. The city of London, which had four members in the House, besides the hon. alderman who represented St. Alban's, who were all ready to advocate its interests in that House, claimed to be heard by counsel against the order. Why did not the worthy alderman show why the order should not be complied with himself? All knew he was possessed of considerable information, and that he had great talents. The learned gentleman concluded with moving the previous question.

Sir *J. Shaw* vindicated the city of London, and contended that the order ought to be rescinded.

Mr. *Wrottesley*, being one of those who voted for the production of these papers, felt himself called upon to support the proposition; that counsel should be heard before a committee, for the purpose of stating any reasons that could be adduced against laying the different accounts before the House. The proposition appeared to him to be a very reasonable one. The original motion for papers was of a most extensive nature, and it seemed to him, that parliament never was called on to concede a proposition for hearing counsel, in a case that more decidedly demanded such an indulgence.

Sir *M. W. Ridley* thought it reasonable that the committee should be granted. He would therefore support the motion.

The *Speaker* said, that the present motion was one of a peculiar nature. The petitioners required to be heard by counsel against something. Against what? Why, against the orders of the House itself; and with this peculiar feature, that the reference was to be made from the House to a committee. This, he believed, was altogether unprecedented.

Mr. *Sumner* said, it was a most extraordinary proceeding on the part of the city of London to pray that they should be heard by counsel against an order of the House. There was never an instance of the kind before, and there was no reason for establishing the precedent at present. The application for money to indemnify the city for building a gaol was not the

only ground of the order for which he had moved. He directly charged the city of London with embezzling 53,000*l.* from a trust which was intended for purposes quite different to those for which it was employed. Could the city sit down quietly under such a charge as this without attempting any justification? They could not justify themselves without producing the accounts that had been ordered. The greatest irregularity prevailed in their expenditure. It was this which rendered the application for 34,000*l.* necessary. The money was spent in a most lavish manner, without any instruction either from the common council or the court of aldermen. The expense was incurred merely upon the authority of a committee consisting of three persons. In this manner 95,000*l.* was squandered away, and then the city came forward with an application for 34,000*l.* more. No other body but the city of London dare come forward with such a proposition under such circumstances. If the accounts were produced, he would undertake to show that the expenditure had been most lavish and profuse. The order of the House for their production was delivered to the chamberlain, the chamberlain gave it to the remembrancer, and he to the common council, who referred it to a committee, and the opinion of counsel was procured upon the subject. If the present motion was agreed to, the consequence would be, that nothing could be done in the business before the close of the session. Every person knew the delay attendant upon such a proceeding even before a private committee, and, at the bar of the House, gentlemen were in the habit of going to dine the moment counsel appeared. The only object of the motion was, to spin out the session, that the city might evade that which they dare not contradict. It was said that the city was not bound to build the gaol. They would never have attempted it if they did not consider themselves bound. Would any person tell him that the most wealthy part of the country, and being the most wealthy the most liable perhaps to vice, was not bound to contribute any thing towards the erection of its gaols?

Mr. *Bennet* said, he was one of those who had voted for the production of the city accounts; but he had been betrayed into a vote on grounds which he had since found were not tenable. Neither of the two members for the city had stated what he considered the strongest argument against the production of the accounts. The funds to which those accounts related, were the private property of the city of London, and, with respect to them, they were accountable not to that House but to the court of chancery. There was not a member of the city of London but could go to the court of chancery for the purpose of stopping any improper expenditure of these funds. In making this order he considered the House to have got into a scrape; and it could only get out of it by complying with the motion of the hon. baronet. If they went into a committee up stairs, they would then see what the nature of the property was.

Mr. Alderman *Wood* said, there was no ground for charging the city with having appropriated the Bridge-house estate to any other objects than those for which it was intended. It was true, that out of the produce of this estate some money was lent for the improvement of Surrey, but then it was lent upon interest. No part of it was employed for private purposes. The 34,000*l.* for which application was made, had been laid out at the desire of the House. It was expended to enlarge a prison which was too crowded. This was not done for the convenience of the city alone, but also for that of the county of Middlesex. The city of London was at the expense of at least 20,000*l.* a-year to support prisoners for that county. He trusted the House would see the propriety of acceding to the motion; since by the investigation of a committee alone, before which their counsel would have an opportunity of entering into the case, could the House arrive at a just conclusion on this very intricate subject.

Mr. *Wynn* said, that the only question was, whether a case had been made out to justify the House in calling for the accounts of the corporation; for that the House was entitled in certain cases to do so, was not in his opinion to be questioned. He instanced the case of charitable corporations. But the right of the House was confined to the necessity, and as the bill to grant the city a sum of public money had been abandoned, he saw no reason why the House should persist in its order.

The *Speaker* re-stated to the House, that the petitioners prayed to be heard by counsel. The motion was for referring the petition to a committee. It would be, he apprehended, contrary to usage to

allow counsel to be heard before a committee, as counsel against an order of the whole House. Legal men might, however, be examined as evidence, as to the consequences of the order of the House. He wished also to remind the House, that the bill which had been alluded to, had not been withdrawn.

Mr. *Lamb* considered the question of importance. An absolute order of the House had been served on the city to produce certain information to which the city thought proper to demur. Then one of the city members came forward to move that the petition of the city, begging to be heard by its counsel, should be referred to a select committee. The precedent was one which might be carried to a dangerous length, and the future orders of the House for the production of information might be treated with equal disrespect, and be demurred to, as in this instance, to the manifest inconvenience of public discussion and the transaction of interesting public business. Although the order had been issued in consequence of the solicitation of the city for a vote in aid of the charges dependant on its estate, still the House ought not to adopt hastily any precedent on the subject. He should rather suggest, that, on the bill being withdrawn, the order should also be withdrawn.

After some farther conversation, it was agreed that the motion should be withdrawn; that the New Prison bill should be ordered to be read a second time that day six months; and that the order of the House of the 24th of February should be discharged.

Mr. *Sumner* then said, that he had done his duty to his constituents, and was satisfied. It remained to be seen whether the corporation of London would sit down under a charge of having, in their character of trustees of the Bridge estate, misapplied 53,000*l.* of the trust money.

Mr. Alderman *Wood* said, they had, as good trustees, lent the money on good security, and at good interest.

MOTION FOR A COMMITTEE ON THE PETITIONS COMPLAINING OF IMPRISONMENT FOR THE SALE OF POLITICAL BOOKS.] Mr. *Bennet* said he rose to call the attention of the House to certain acts which had arisen out of that celebrated circular letter of lord Sidmouth,* which would not speedily be forgotten by the country. On the legality of that letter, which had divided so many great authorities, it would be presumptuous for him to offer an opinion. But there was one part on which there was little difference at least in the country, namely, that part in which he deprived the magistrates of that discretion which by law they were directed to exercise. That letter, on the whole had been very harmless, for it had produced little effect. At the quarter sessions of one great county, it had, he was informed, been treated with much contempt; the chairman having said, "Let us not be troubled with such trash as this." In other places it had been received in nearly the same manner. Many steps, therefore, had not been taken in consequence of it, but there had not been wanting busy, active, intriguing men, who did not care what the law was, but wished to have it such as the government would have it to be. Such persons in an ordinary time would have sunk into insignificance, but like some other creeping animals were drawn out of their holes by a shower. He should bring before the attention of the House transactions which would speak for themselves, and which would display a practice inconsistent with the rights and liberties of Englishmen. These were the men to whom it gave undue authority, while it diminished the power of honest and upright magistrates. He who ran might read, and he who read must understand that this was inconsistent with a fair and just administration of the laws. In the month of February 1817, this celebrated letter had been written. In the same month of the same year two persons were imprisoned upon a charge of selling libellous publications; they were Jonathan Buckley Mellor and Samuel Pilling, of Warrington.* There never was a more illegal transaction than the search of their houses and persons by the officers, in order to find libellous writings. If the House could forget the solemn decisions of the courts of law, it could not forget its own resolution, that the searching of houses for libellous papers was illegal. From the houses so searched was taken away a great quantity of books which were not alleged to be libellous—such as Rollin's History, and Wynne's History of America. They were brought

* See Vol. 36, p. 447.

* For copies of their Petitions, see Vol. 36, p. 742 and p. 744.

before the police officers, and bail was demanded from them, which they could not give, and they were accordingly committed to prison. They were committed not to the county gaol, but to the House of Correction. They were ironed—they were sent to associate with felons and to hard labour, that was, to such labour as convicted felons were sentenced to,—whether it was picking oakum or sawing stone, the disgrace was the same. The libels which these persons were accused of selling were the Political Litanies, respecting which, lest he should be mistaken, he wished to say, that he held them in abhorrence, whether published by rich or poor—by a broken down bookseller or a minister of state. But if these men had been the original publishers, instead of being venders, and had been tried and convicted in the court of King's-bench, they would have been probably sent to the prison of that court, provided with good apartments, and with the opportunity of associating with persons who, whatever their misfortunes might be, were not infamous. Yet these persons, who, even if they had been found guilty, would have been much less criminal, were obliged to associate with criminals. They slept in a room to themselves, but all day they were obliged to associate with felons in a common yard, and they had felons fare. It was illegal, in the first place, to have committed these persons to the House of Correction. Those places were originally built for the reception of thieves and vagabonds, and other persons convicted. It had grown into a practice, particularly in the metropolis, to commit persons for trial for felony to these places; but, if that were allowable, was it to be endured that persons, whom it was only necessary to have forthcoming to stand their trial, should be committed to such a place? From the House of Correction, they were sent in a cart, handcuffed, to the place of trial; the felons sent first, the persons to be tried for misdemeanors following. He knew that it would be said, that the handcuffs were with slight chains. But that they were handcuffed could not be denied, nor that they were taken eighteen miles in an open cart for trial. While in prison, they were confined among some old offenders, although in the misdemeanor ward, and on their arrival at the place fixed for their trial, they were huddled together with felons. But, instead of their being brought to trial, they were informed, that the indictment was removed by *certiorari* to the court of King's-bench, and they were told they should be liberated, if they would give bail. Being unable to give bail, they were recommitted to their former prison, where they remained until September, when they were liberated, the farce of alarm which gave birth to persecution at the commencement of the year, having by that time concluded.—Having thus submitted to the attention of the House the cases of these two individuals, he felt himself bound to say, that he believed there might be something in the papers which he then held in his hand that might not be perfectly true. Some matters, he believed, might be rather overcharged, or mistaken, if not indeed untrue. It was certain, however, that great severity had been exercised. He held, that it would be wasting the time of the House to dwell on the argument, that imprisonment before conviction was not intended for any other purpose than safe custody. If any thing were superadded; if the persons were put into irons, or subjected to any species of punishment, it was not only illegal, but disgraceful to the country in which we lived—a reproach to the age in which we were born. He begged pardon of the House for having detained them so long on these two cases. He would now proceed to the third case, that of Robert Swindells, of Macclesfield,* and, with respect to the statement which he was about to make, he could assure them that he entertained no doubt of its being correct, as he had employed a professional person to endeavour to ascertain the strict truth. He had also the affidavit of Mr. Swindells himself. It appeared, then, that on the 10th of March, 1817, about twelve o'clock at night, when Mr. Swindells and his wife, who was eight months gone with child, were in bed, they were disturbed by a knocking at the door. Mr. Swindells looked out of the window, and saw some persons, who desired him to come down and open the door, or they would force it. Alarmed by this threat, he came down and opened the door, when they rushed in and asked for persons who they supposed lodged in the house. A strict search was made in every part, but no persons were discovered. They then tore open all the trunks, took several papers out of them, and stripped Mr.

* For his Petition, see Vol. 36, p. 1069.

Swindells of the little property that belonged to him. The alarm and terror of the wife were so great on this occasion, that she never recovered from the effects. On the 26th of April she was delivered of a child, and on the 28th she died. On the 31st of May the child, deprived of the care and support of its mother, expired. Mr. Swindells himself, after suffering various hardships, was at last liberated without having been brought to trial. Here, then, was another instance of the tender mercies of his majesty's government—another example of persons taken up without having committed any crime, and discharged without any opportunity of proving their innocence. Such cases of injustice could not fail to make a very powerful impression on the minds of the people. He thought it right to state to the House, that the individual whose case he had just described was an old seaman; he had been eleven years in the service, during four of which he was on board the Ville de Paris, blockading the squadron at Brest. He would now put it to the House, whether, supposing that the petitioners had somewhat coloured their statements, these cases did not deserve the most serious attention. They were about to be sent back to their constituents, and would they return to them with the stigma on their characters, that when people were imprisoned by magistrates, under the sanction of his majesty's government, the House shut its ears to their petitions, and refused to institute any inquiry? Leaving them to answer this question by the vote which they would give that night, he should now conclude with moving, "That a Committee be appointed, to inquire into the Petitions presented by Jonathan Mellor and Samuel Pilling of Warrington, on the 3rd of March, and also of Robert Swindells of Macclesfield, on the 13th of the same month."

Mr. *Davenport* observed, that the statement as to the case of Swindells, was in many respects erroneous. The hon. member then proceeded to read a letter, which he had received on the subject, from a magistrate of Macclesfield. The letter stated, that on the night in question, a large party had set out from Manchester, and had arrived at Macclesfield, in consequence of which the town was in a state of great confusion and alarm, and the cavalry had been ordered to parade the streets. Information had been given, that a party was assembled at Swindells, and four of the magistrates repaired to the place. He knew the gentleman complained of to possess great benevolence, and to be as incapable of committing any act of cruelty, as he himself would be of defending such an act. So far from this man's wife having been starved with cold, and hence falling a victim in childbed, it was a fact that she had gone to her work at the silk factory the next day without ever having complained that she was unwell. It was farther denied on the part of the magistrates who had consulted the medical man who attended her, that she was more than six months advanced in her pregnancy, and he had also stated that, during her time of gestation, she had been subject to a violent cough, and occasionally to hysterics.

Mr. *Blackburne* stated, upon the authority of the magistrates from whom he had that day received communications, that the two other parties had received, whilst in the workhouse, every accommodation which the place afforded; and that their removal to prison was not attended with any unnecessary rigour, they being placed in an open cart, and connected together, for the sake of security, by a light chain. Their situation also in Preston gaol was stated to be as little irksome or inconvenient as it would have been had they been sent to Lancaster Castle, for that gaol was at that period, in common with others in the neighbourhood, excessively full.

The House were about to divide, when

The *Attorney General* begged leave to assure the House, that the law, as far as related to what had been done in these prosecutions, could not have been conducted with more lenity. If these persons had been discharged on their own recognizances, it was under his advice and direction; and if he had been guilty of any dereliction of duty on the occasion, it was that he had relaxed the law in their favour. With respect to the cases of Mellor and Pilling, what course did he pursue? Did he frame a bill or file an *ex-officio* information against them? He would tell tell those gentlemen who objected to informations *ex officio*, that their objections in these cases might be set at rest; for he had filed no information against these men; and as to those who objected to the apprehension of persons charged with libel by the warrant of magistrates, he would tell them that their objections also might be easily removed, for none of these per-

sons had been arrested under that process. He had sent down a bill of indictment to the grand jury. The bill being found, and the parties, in consequence, having been arrested, it struck him to be more proper that the publication of such libels —or, of such papers, if he might not call them libels—should be submitted to a higher tribunal than the quarter-sessions; that, in fact, it should be argued before the judges of the land; and therefore he removed the proceedings by *certiorari*, into the court of King's-bench. Now, these men being in custody under the bill of indictment, he had a right, unless they found bail, to keep them in prison, although the proceedings had been removed; but he was unwilling, as the trial would be postponed by his own act, that they should remain in custody; and with this view it was decided, he declared upon his honour as a man, that they should be discharged on their own recognizances. If then, he had done any thing wrong in those cases, it was because, as attorney-general, and looking at the character and tendency of the papers, he had relaxed the law. The defendants entered into recognizances to appear on the first day of the ensuing term, and plead. They appeared before the court of King's-bench and pleaded; and the moment they appeared and pleaded, a motion was made that they should be continued on their recognizances, to appear again, in case they would be called upon to answer the charges against them. These were the whole of the proceedings against them. and he now asked the House whether it was possible that the law officers of the Crown could have acted with greater lenity? The hon. mover had said, that magistrates had no right to commit persons of this description to the House of Correction. He would beg to inform the hon. member, that two statutes existed under which magistrates were not only authorized to commit persons charged with felonies, but also those who were apprehended for misdemeanors, to the House of Correction, instead of the common gaol. This was the law, and in many cases, too, it was very advantageous to the persons in custody; for it might happen that the county-gaol would be at a great distance from the place in which they were arrested, and the House of Correction would be very near. There were two statutes which empowered magistrates in towns and liberties of their own, to commit for trial to the House of Correction. The hon. gentleman had stated another proposition, which was true, but which did not apply to these men. The 22nd of George 3rd, c. 24, had this clause:—that persons sent to the House of Correction, though not committed to hard labour, may be set to work, if they are supported at the expense of the county: the work, however, must not be severe, an account is to be kept of the money they earn, and when they are discharged, they are entitled to one-half of it. This statute applied to persons not committed for trial. Now, these men did not state what the work was to which they were set; but he (the attorney-general) knew what it was. They were ordered to pick two pounds of cotton: he did not know whether two pounds per day, but this was the work. With respect to the case of Swindells—he was not speaking to that part of the case which related to the prosecution—no man could be prosecuted with less severity than he was. In this case there was no arrest by a magistrate at all. Swindells having repeatedly circulated these publications, he (the attorney-general) filed an information *ex officio* against him. There was, however, no warrant issued by a judge, none: no warrant issued by a magistrate, none. He was merely served with a subpœna, which is a notice to appear, and that was the document which he referred to as placing him under the penalty of 100*l*. If a man does not appear to this notice, the common law process is, an attachment for a contempt of the Court. The day of appearance having gone by, thirteen days after an attachment was issued out of the Crown-office for the apprehension of Swindells. He then applied to the magistrates, who told him they had nothing at all to do with it; that it was a process issued by the sheriff, and they had no more power to interfere than in a case of debt; that he was bound to file an appearance, and the moment he had filed an appearance, he was entitled to his discharge. The defendant, however, did not appear, and, in consequence of his remaining in gaol, he (the attorney-general) caused this notice to be given to him, and if he had not have given this notice, he might have lain in gaol to this hour. He said to him, "If you will appear, if you can't come to London, or can't afford to pay an attorney, order the solicitor of the Treasury to enter an appearance for you, and you

shall have a copy of the information *gratis*, and be discharged." He appeared and pleaded, and he was discharged, and he was under no recognizance whatever. Now, he contended, that if any prosecution was to be instituted at all, he had relaxed every one of the rules of law, except that of giving up the prosecution. He declared most solemnly, that when he received the account of Swindell's circulating these publications, when he filed the information *ex officio* against him, he never knew that his house had been entered, that his wife had died, or that he had suffered any of the misfortunes which had been stated. It would be recollected that, on the night of the 9th of March, the night on which his house was entered, a great body of persons had assembled at Manchester, and formed what was called the blanketeer meeting. One party intended to proceed by Stockport, the other by Macclesfield. One thousand of them arrived at the latter place, much confusion prevailed, and it was said that some persons had gone to Swindell's house. The magistrates sent to him, and he denied there were any persons there. They then desired to see who were in the house. It was true also (but he was not going to justify it), they took some papers, the political catechism, and others, and cautioned him not to sell those publications. If the magistrates, however, had acted wrong in law, the House, considering the situation of affairs at that time, would not be disposed to blame them for what they had done. With respect to Mrs. Swindells, she had been ill for some time before; but on the next day, she went to her work in the manufactory, and neither she nor her husband ever made any complaints that she had suffered any thing from the house being entered. Swindells had stated, that he could not get any medical advice. Now, he (the attorney-general) had seen an affidavit of a surgeon, who deposed, that after he had attended the wife for some days, Swindells told him that he did not want him any longer, as his wife had got into the infirmary. From that moment to the time of her death, she never made any complaint, nor attributed her illness to the causes which Swindells had mentioned. When Swindells was committed to gaol, he lived as well as any of the debtors in confinement; he had tea, coffee, sugar, bread, and meat, and lived in every respect as well as they did. He had now stated the facts of these cases to the House, and repeating, as he felt himself entitled to do, that no severity had been exercised by the officers of the Crown, but, on the contrary, that the utmost lenity had been shown, he should sit down with giving his dissent to the motion.

Sir *S. Romilly* said, that taking so different a view of the question, and feeling it as important a one as had ever been submitted to that House, he must trespass for a short time on its attention. His hon. and learned friend had not touched on those points on which he must have supposed the House were anxious to have his opinion. Much as he had been prepared from what so frequently passed during the session, namely, the studious silence of his majesty's ministers on constitutional questions—he did not think it possible that it could have been for a moment intended to have sent the present question to a division without some explanation. And yet that appeared to have been the course almost decided on [No, no, from the Treasury-bench]. Why, certainly a great pause had taken place, indeed, the gallery was almost cleared for a division before his hon. and learned friend had risen. He did not deny, that as far as his hon. and learned friend was concerned, these men were treated with leniency. But he still was of opinion, that their case was one, which, in place of being removed by *certiorari*, ought at once to have been judicially decided. That however, was not the part of the subject which he thought of most importance. It was the loading men with irons charged with the publication of a libel. Had such a transaction taken place a few years back, it would have been considered so monstrous, that scarcely any man would have believed in its existence. The member for Lancashire had read a letter, which stated that these men were committed to prison with the usual precautions for their safety, as were adopted towards felons. But the publication of a libel was not a felony. The publication with which these men were charged was extremely, reprehensible; but he denied that it was a blasphemous libel. It was true, indeed, that his hon. and learned friend had observed, that the magistrates had in some degree exceeded their authority. He did think that such a novelty as placing men thus in fetters ought to have affected his hon. and learned friend in a much stronger manner. Recollecting

the liberal ideas, which in early life his hon. and learned friend so ardently entertained, he thought such a violation of law should have attracted his consideration, acting, as the attorney-general did, in a magisterial capacity, as well for the people as the Crown. Would he have then endured that magistrates should put in irons, men charged with the publication of what country magistrates might deem libels? Was it not notorious that many persons construed every thing published, offensive to the feelings of men in power, a libel? Was not the very respectful petition of the bishops in the reign of James 2nd considered a libel? Let then the House remember, that they were that night deciding whether their constituents were to be placed in irons at the discretion of magistrates previously to their trial for offences, of which, if convicted, it would be against law to fetter them! Surely these were circumstances, if any case for the liberty of the subject existed in that House, sufficient to demand investigation, and to render it almost impossible to refuse the motion of his hon. friend. He must own that he was not satisfied with the admission of his hon. and learned friend, when he merely observed that the seizure of these petitioners papers was not legal. Whatever difference of opinion might exist on other subjects, on the respective sides of the House, it was the recorded decision of parliament, that the seizure of men's papers charged with libels was utterly illegal. And yet it was uncontradicted that the papers of these men were seized. Publications of the most opposite description, the Evangelical Magazine, Cobbett's Register, he presumed, on the principle of *noscitur à sociis*, were all swept away. It was justly said by lord Camden, that the sacredness of a person's private papers should never be violated on the presumption of libellous publication. Who, indeed, would venture like a Sidney or a Locke to write on the abstract principles of government, if their papers were to be exposed to the search and seizure of a country magistrate and an illiterate constable? Yet such were the fruits of the Circular of lord Sidmouth—that most unconstitutional interposition with the duties of the magistracy. Could the House refuse to inquire into these facts? In all other cases, the inclination was, to presume with the oppressed against the oppressor; but on political questions he regretted to say, that in that House the feeling was, however severe the injustice or harsh the agent—be he minister, magistrate, or constable—to decide against the complaints of petitioners.

Mr. *Bathurst* contended, that as the leading charge of the hon. mover was, for sending these men to the House of Correction rather than to the county gaol, it was fully answered by his hon. and learned friend, who proved that it was justified by many statutes, and had been uniformly the practice in the county of Lancaster with prisoners to be tried at the quarter sessions. The magistrates had undoubtedly exceeded their powers, but it was to be considered, in extenuation, that the occurrence had taken place at a crisis of public alarm, when large numbers of men were marching towards Manchester for illegal purposes. All the points of the case were already before the House, and therefore there was no necessity for instituting any inquiry, into them by a committee.

Mr. *Lockhart* wished to state briefly the grounds on which he meant to give his vote. He would not enter into any discussion as to the legality or illegality of the prosecution, nor would he stop to inquire whether the publications in question were blasphemous or not, while it must be allowed, on all hands, that they were full of impiety. He would vote for the motion, not because he thought the prosecutions had been oppressively and improperly instituted, or because he believed that they had been harshly conducted. On the contrary, he thought that such publications ought to be repressed by the salutary checks of law, and he saw every degree of lenity and humanity in the conduct of the law-officers of the Crown, in pursuing the legal steps to repress them. So sensible was Mr. Hone, the author of some of these libels, of their immoral and irreligious tendency, that though acquitted by a jury he had withdrawn them from circulation, a circumstance which he was glad to see. The attorney-general had done nothing but his duty, and he would not support the motion on any grounds of crimination against him; but the use of irons to confine men accused of publishing libels, or of committing other offences under the name of misdemeanors, demanded investigation and correction, and on that ground he would vote for the proposed inquiry into the cases adduced. He thought it contrary to the laws and con-

stitution of this country—a practice unheard of by our ancestors—a practice that had lately crept in, and which if not corrected might lead to great oppression—to inflict such a mark of ignominy, as imposing irons, as on common felons, on those who were charged with misdemeanors. As the House, therefore, had got this specific case before them, they ought to investigate it, for the purpose of applying a general remedy, for the purpose of correcting what appeared to him to be a violation of the law of the land. It ought to be recollected, that persons who had committed misdemeanors had been guilty of only minor offences, and that the punishment which awaited conviction was generally of so slight a nature as to excite no fears that they would endeavour to escape before trial. It was not necessary therefore to put them in irons in order to keep them in safe custody; and as safe custody, and not punishment, was the ground on which the use of irons could be justified, in the case of men who were convicted of no offence, such a practice ought not to be resorted to for misdemeanours. Another reason still against the practice was to be found in the nature of the offences themselves, which were often so indefinite, as not to be accurately determined before trial. Where crimes were committed against society that were accurately defined by law, the objection was not so strong against any means of detention; but it appeared hard and oppressive to iron, like felons, persons who might be found by a jury to have committed no offence, though the facts for which they were imprisoned were proved against them. This reasoning applied more strongly to persons charged with abuses of the press, than to persons accused of other kinds of misdemeanour. The press was a powerful engine; and being capable of producing as great mischief to society when misdirected as benefit when properly managed, its abuses required to be watched and checked: but offences of this nature were frequently very undefined; and it appeared monstrous to intrust the power of punishing like felons, persons whose offences might depend on the impressions of individuals. In proportion to the uncertainty of the law on the point, ought to be the leniency with which the persons accused of breaking it ought to be treated before conviction. To treat those charged with publishing libels like common felons, or persons condemned for offences—to degrade them by imprisonment in irons—to drag them from place to place, chained like criminals who had violated the most sacred laws of society, appeared to him to be cruelty and oppression, which demanded inquiry and correction. On these grounds he would support the motion, and he thought by doing so that he was performing a duty which he owed to the laws and the constitution of his country, of which he conceived this practice was a direct violation.

Mr. *Bennet* made a short reply, in the course of which he observed, that no attempt whatever had been made to deny the facts of the case; and trusted that should his motion be negatived, the country would not fail to remark, that one of the last acts of the present House of Commons was, to refuse inquiry into a case which was manifestly one of gross opppression.

The House divided:

Ayes	17
Noes	73
Majority.....	—56

List of the Minority.

Barham, J. F.	Newport, sir J.
Brougham, Henry	Onslow, serjeant.
Burdett, sir F.	Parnell, sir H.
Carter, John	Romilly, sir S.
Caulfield, hon. H.	Scudamore, R.
Gaskell, B.	Sefton, lord
Heron, sir R.	Smith, R.
Howarth, Humph.	TELLERS.
Lockhart, J.	Bennet, hon. H. G.
Moore, Peter	Monck, sir C.

CREDITORS OF THE NABOB OF THE CARNATIC.] Mr. *Marsh* rose to bring forward his motion for a committee on the claims of certain Creditors on the Nabob of the Carnatic. In the years 1796 and 1797, the gentlemen who had now petitioned the House, had advanced large sums of money, to the amount of above 100,000*l.* to the nabob, to be repaid by monthly instalments. This money was lent in a fair open way, with the consent of the local authorities, and the petitioners had the receipts for it. But in 1801, a most important revolution took place in the territory, the revenues of which had been pledged as security for the debts. The East India company took possession of the whole administration of the Carnatic, civil and military, and on them it of course depended whether the assignments on the country should be made good. They thought proper to reject the claims of the petitioners, on the

ground that the money had been advanced contrary to the provisions of an act of parliament. However, the company and the creditors came to a compromise in the year 1805. It was agreed that all *bonâ fide* claims, adjudicated to be so by commissioners to be appointed in India, should be allowed by the company, and liquidated out of the revenues of the Carnatic. The claims in question originated out of monies absolutely advanced to the nabob. Why, then, it might be asked, had the justice of them not been admitted by the arbiters? They rejected them, because, by a clause in an act of parliament, passed in the year 1797, with a general object quite different from any thing in these transactions, persons in India were prohibited from lending money to any of the native princes without the consent of the governor and council expressed in writing—the professed purpose of the clause was to check and put a stop to usury and extortion. Neither of these characters could apply to the dealings of the petitioners; because, during the two years they were engaged in them, all was done above-board, and they had actually obtained the consent of the local authorities, not, however, reduced to writing. The want of this last formality altogether vitiated, in the opinion of the commissioners, and rendered void, the contract. They had been excluded from the recovery of their debts, not from any want of consideration in the contract—not from any thing unfair in the manner of conducting it—but solely because they had not complied with the directions of an act of parliament, of which at the time they were actually ignorant. He would not argue on the severity of extending the principle, that ignorance of a law does not excuse a transgression of it, to so remote a part of the empire as India; because, in point of fact, the petitioners had been deceived on the subject. In the copy of the act that they saw published in Madras, not a syllable appeared on the necessity of the authorities being expressed in writing; so that the only requisite wanting to substantiate their claim under the act, was a thing they could scarcely have known. If the petitioners spoke what was false, that would easily be discovered by the acute and intelligent members of the committee; if otherwise, it was hard that their claims should be extinguished by the very adjudication by which they were intended to be protected. The hon. gentleman then moved, "That a Select Committee be appointed to investigate the facts stated in the Petitions of Messrs. Chase, Chinnery, and Company, Messrs. Abbot and Maitland, and Mr. Parry of Madras, and to report the same, with their Observations thereupon, to the House."

Mr. *Canning* said, he would agree to the motion for the committee; not because he thought the claims of the petitioners well founded, but because the committee would come at the truth, which, in his opinion, would defeat them. He had a perfect disbelief that a company of merchants, established in the country for which the act legislated, could go on for months advancing money without knowing that it had passed. If the act had never passed, the transactions would have been contrary to the prescribed regulations of the country; and the fact was, that the act alluded to, instead of rendering them more strict, had relaxed them. The point undertaken to be proved was, that a perfect knowledge of the act existed in Madras, with the exception of that only part requiring the consent of the authorities in writing. If a garbled statement of the act had been published in a Madras journal, who could affirm that it had not been garbled to serve the purpose of the speculators? But as that fact was proposed to be established, he thought he could not in justice dissent from the motion. It was for them to show in what other manner the consent had been given, and how they had been at the same time aware of the necessity of asking it, and ignorant that it should be in writing.

Mr. *Grant* observed, that the object of the petitioners was, to induce parliament to act contrary to its own solemn decision, and to the rules expressly declared by the East India company. If they had conceived, that the commissioners appointed to regulate the claims on the nabob of the Carnatic, had not acted consistently with the trust reposed in them, the courts of law were open to redress the grievance; nor did he think the point of any importance, whether the act of parliament had been promulged perfectly in India or not. If the House should interfere in a case which was properly the result of a private transaction, it would be attended with serious injury to individuals. The East India company would certainly feel themselves aggrieved, and he, for one, should vote against the appointment of a committee.

Mr. *Money* felt the necessity of instituting an inquiry into this case. He could not believe that the petitioners were aware of the provisions of the act of parliament; for it was not likely that any man in his senses, aware of the existence of such a law, could ever think of lending his money in the very teeth of it, thereby not only endangering his property, but subjecting himself to pains and penalties. The petitioners had stated, that the law had not been published in India; and though, in this country, ignorance of the law could not be pleaded in extenuation, yet, in a distant country, a very different principle might be admitted. In the case of the Louis, sir William Scott, in pronouncing judgment, had laid it down, that a person could not be bound by a law that had not been published.

Mr. Serjeant *Onslow* rose, not for the purpose of objecting to the appointment of the committee, but to protest against the doctrine of law promulgated by the hon. gentleman opposite. He used the word promulgated, because he never could believe that any judge in England could assert, that a subject of this country was not bound by a penal law, with the existence of which he might chance not to be acquainted.

The motion was agreed to, and a committee appointed.

HOUSE OF LORDS.

Friday, May 22.

REGENCY ACT AMENDMENT BILL.] On the order of the day for the second reading of the bill to amend the Regency act being read,

The *Lord Chancellor* stated, that in moving the second reading of this bill, he thought it necessary again to explain its purport. The bill, as he had stated on its introduction, had two objects. The first was, to authorize an increase of the number of persons composing her majesty's council. The circumstances under which the bill was brought forward rendered this increase advisable. The state of her majesty's health requiring her to be occasionally absent from Windsor, it was proper that at such times some of the council should be present with his majesty; but as many of the members of the council held official situations which prevented their attendance, there was a necessity for an increase. It had been intimated by the noble earl who spoke on the introduction of the bill, that he had no objection to this increase, but to the mode by which it was proposed to be accomplished. Their lordships, however, would recollect that the act now in force on this subject provided, that if a vancancy should occur in the council, her majesty should supply the same by her nomination. In one instance her majesty had already exercised the authority with which she was thus invested; and it certainly must occur to their lordships, that under the same provision of the act it might have happened to her to supply substitutes for the greater part, or even the whole of the members originally appointed by parliament. In this view of the subject, it was thought that there could have been no objection to her majesty naming any farther number of members which parliament might, under the present circumstances, think it advisable to add to her council. The main object, however, of this first part of the bill was, that there should be an increase; and if that principle was agreed to, it might be a matter of future consideration as to how the increase should be effected. It would be for their lordships to decide, in the progress of the bill, whether the appointments should be made by her majesty or by parliament. With respect to the other object of the bill, he thought their lordships could not fail to perceive that it tended to effect a very necessary amendment in the act of the 51st of the king. That act provided that, if her majesty should cease to have the custody of his majesty's person during a prorogation, parliament should assemble forthwith; and in case of the event happening between the dissolution of one parliament, and the day of meeting of another, then the old parliament was to assemble forthwith, even though the event should happen only the day before that appointed for the meeting of the new parliament. Now, if such an event should occur during a dissolution, after the writs were issued, or any day previous to writs being returnable, the greatest inconvenience would be occasioned; for all the expense which individuals might be put to in the elections would be lost, as the returns to the new parliament would, in fact, be abrogated. The act had made the same provision for the case of her majesty ceasing to have the custody of the king's person, as for the demise of the king; but though it might be very proper to put the case of the demise of the Regent on the same

footing as that of the king, there could be no reason for similar provisions in the case of her majesty. As, by the Regency act the care of the king would, in the event of the demise of the queen, be vested with full powers in her majesty's council, there was clearly no necessity for the forthwith meeting of parliament; and he could see no solid objection to the alteration of the clause alluded to, by substituting the power to summon parliament at a short notice. The inconvenience that might arise from the operation of the clause in the Regency act, to which he had alluded, being so obvious, he thought it unnecessary to dwell upon the expediency of the proposed alteration, and should, therefore, merely move the second reading of the bill, in the committee on which he had some additional clauses to propose, to which he would previously give the best consideration in his power.

Earl *Grey* observed, that upon this bill being unexpectedly introduced on a former evening, he had thought it his duty to oppose the measure, and more particularly the second part of it, no reason whatever having been given for its introduction at the present moment. He then understood the noble lord on the woolsack to say that he would give full explanation of the reasons for the measure, on the second reading, and he felt himself much disappointed in finding that the noble and learned lord had now altogether avoided stating any reason, or assigning any motive whatever, for bringing forward this measure at the present period, it was surely incumbent upon those who brought forward, and supported this measure to state some reason for its introduction; nor could he conceive it possible that their lordships would agree to so unlooked for a proposition, making so material an alteration, or rather repealing an important clause in the Regency act, without some very sufficient reason stated for so doing. The noble and learned lord had stated no necessity, assigned no motive for it whatever. He stated, generally, that inconveniences might arise from allowing the provision in the Regency act to remain; but what those inconveniences were, or what it was that rendered him now so sensible to them, he had in no satisfactory manner explained. But, before he proceeded farther to notice that part of the bill, he should say a word or two on the first clause. To the object of that clause, he must here again repeat that he did not feel any considerable objection. At the same time he could not help observing, that when the noble and learned lord brought forward this measure, he was bound to show that there was not now a sufficient number of members of the queen's council, independently of those who held official situations, who were in a situation to enable them to reside at Windsor during the periods when the queen resided in town; and to perform the duties of their trust. This he ought to have shown as a ground of the measure he proposed; but he had done no such thing. If, however, it really did appear that the duties of the counsel could not be performed by the present number, an addition certainly ought to be made; and with that object, to whatever extent it might be found necessary he was ready to concur. With respect to the mode of effecting the addition, unless some strong reason for the contrary were assigned, he continued to think that it would be better to follow the example of the first formation of the council. It was true, that, under the clause in the Regency act, for filling up vacancies in the council, it might have happened, that in consequence of deaths, the whole eight might have been appointed by the queen; but still he contended, that to add at once a number of members to the council, vesting the appointment in the queen, was a question very different from that of vesting the power of filling up vacancies as they occurred.—What, besides, might be the effect of the provision now proposed for appointing additional members of the council, coupled with the other provision, for repealing the clause for the forthwith meeting of parliament, but that the power of parliament might be altogether put aside, with regard to the care of the king, as, in the event of the queen's demise, the care of his majesty's person might be actually vested in individuals whom parliament did not know even by name. This was, however, a matter of inferior importance compared with the other part of the bill, which made a material alteration in the Regency act. And here he could not help observing upon the term used in the title, namely, for varying some of the provisions of the 51st of the king, &c. (the Regency act.) He believed the word varying was altogether new in legislation; and, for any thing he knew, it might mean to repeal altogether. That, it seemed, was the meaning annexed to it in the se-

cond part of this bill, which was neither more nor less than a total repeal of that part of the Regency act which related to the meeting of parliament, in the event of the demise of the queen. For this repeal, at the present moment, not only had no reason been stated, nor any motive assigned; but there was not one word upon the subject in the preamble of the bill. His lordship here read the preamble, adverting only to the appointing of additional members of the queen's council; and observed, that not one word was inserted in it, respecting any necessity for repealing the provision in the Regency act for the forthwith meeting of parliament. Was it intended to carry this clause under the convoy of the other?—The noble and learned lord had stated, that great inconvenience would arise if her majesty should cease to have the custody of the king's person during a dissolution of parliament, particularly if that event should happen after the issuing of the writs for a new election, and previously to the assembling of the new parliament, or on any day before the writs were returnable. In such a case it appeared that the individuals engaged in elections would be put to great unnecessary expense, as there would be a total abrogation of all the proceedings for the formation of a new parliament. How did it happen that the noble and learned lord did not foresee this consequence before now? He had, indeed, hinted his opinion that the clause which provided for the re-assembling of the old parliament must have slipped into the Regency act by inadvertence. He was greatly surprised to hear such a notion started by the noble and learned lord, when he recollected not only the high office he held when the present Regency act passed, but also the situation he held when the first Regency bill was framed. The noble and learned lord shook his head at this, but surely the noble and learned lord, who at that period filled the office of solicitor general, and possessed high eminence at the bar must have been consulted in the preparation of that bill, and therefore must have been aware of the introduction of this clause. The noble and learned lord was one of the few survivors of those who had taken part in the discussion of that measure, and must no doubt be aware of all the bearings of that discussion, and certainly no measure was ever more carefully canvassed. If any thing had been introduced calculated to have the effect described by the noble and learned lord, or in any way to injure the interests of electors, it was most astonishing that it should have then escaped observation. But it was not the vigilance of that period only which was supposed to have been eluded. In 1811, when the unfortunate state of the king's health rendered it necessary to take measures for the establishment of a Regency, this clause was copied. It could not be said that any thing was then done with haste and precipitation. On the contrary, his majesty's ministers acted with the greatest deliberation, and manifested no disposition to overlook the effect of any of the clauses in the bill they then introduced. He must, indeed, stand forward on this occasion, and vindicate the noble and learned lord and his colleagues from the negligence and inconsiderateness with which they were on this occasion disposed to accuse themselves. Certainly no charge could be more unfounded; it was evident, on the contrary, that the clause had been deliberately and advisedly copied. It existed in the first Regency bill. It was introduced in the act of 1811; and the attention of the noble and learned lord, as well as of parliament, was again called to the subject in the following year, when, in consequence of the unfortunate malady which afflicted his majesty, it was found necessary to remove the restrictions imposed on the Regent. Under these circumstances it was impossible to suppose that the clause could have found its way into the act without grave and sufficient reasons. He would not do this and the other House of Parliament, nor even his majesty's ministers, the injustice to suppose that they had acted with the inconsistency the noble and learned lord wished to attribute to them. The noble and learned lord had stated, that the cases of the demise of the king or the Prince Regent stood on a very different ground from that which the present bill went to meet. But there were circumstances which might make the demise of the queen a subject fit for the provision in the original act. It must have been considered, that the trust of the king's person was one of so sacred a nature that parliament only could properly provide for its due execution. It appeared to have been therefore thought, that though, during the interval between the queen's demise and the meeting of parliament, the care of the king's person should devolve on the

council, it was proper to make provision that the interval should be of the shortest possible duration; and, therefore, that the old parliament should re-assemble with a view of regulating that important trust. This was what was to be ineeracis from the clause in the existing act, and he therefore must consider the noble and learned lord bound to make out a strong case before he asked their lordships to agree to so important an alteration. But he must again ask, if there were any reason for this measure, why was it not discovered before? During the period that had elapsed since the king's unhappy malady, the prerogative of the Crown had been repeatedly exercised in the prorogation of the parliament, and there had been one dissolution. How happened it, that during all this period no discovery of inconvenience had been made?—Would it not be a gross inconsistency, after the long period in which the provision in the Regency act had been permitted to continue for the forthwith meeting of parliament, in the event of the demise of the queen, and that provision introduced and enacted after (he must assume) a mature and deliberate discussion, would it not be a gross inconsistency now to repeal it? He admitted that this was a case inferior in degree of importance to that of the demise of the Prince Regent; but he could not admit that it was of so little importance as not to require the immediate attention of parliament to provide for the care of the king's person. Yet what would parliament now be doing if this measure were agreed to, but absolutely annulling those precautions, which after the most deliberate consideration, it had been agreed upon were necessary to provide for the due care of the king's person in the event of the demise of the queen? But if there were no motives for the measure, there were many reasons which might have dissuaded the noble and learned lord from bringing it forward. Present circumstances were of a nature which it might have been expected would have induced the noble and learned lord to hesitate before he submitted such a proposition to parliament. The repealing a law passed with so much care and deliberation as this had been, would at any time be calculated to excite suspicion; but motives of delicacy ought to have made it particularly desirable to avoid such a proceeding at the present moment. He was solicitous, upon this occasion to avoid every thing that could be construed into indelicacy; though, perhaps, in what he was going to say, he might be charged with departing from his own principle; but if this were the case, the whole force of the accusation must rest on those who had brought this measure forward, for his sense of duty would not permit him to withhold the statement of the view he entertained of the subject. He would, however, put a case hypothetically: Suppose the queen was not only so much indisposed as to require her residence in town, or the attention of physicians, but that her general state of health was such as to give rise to the most serious apprehensions for her valuable life—would there not, in that case be the greatest indelicacy in bringing forward such a measure as the present? Was there not, also, the grossest inconsistency in bringing forward such a measure now, to do away all that parliament had done with a view to the contingency in question, and with no reason assigned that could operate now in preference to any other period? During the long period that had elapsed since the eclipse of the royal mind, they had been exposed to the occurrence of the contingencies of the demise of the Crown, the demise of the Prince Regent, the demise of the queen, or the king's recovery, yet no measure had been hitherto thought necessary to make any farther provision than was enacted in the Regency act. And now, with no reason stated, no motive assigned, no cause shown, was a measure of this nature introduced without any previous notice, and on the eve of a prorogation to annul what had been deliberately proposed and enacted, and so long, with a full knowledge of the subject acquiesced in by parliament. It never could have entered the minds of the persons who so long ago framed this clause, that it should be repealed when the event it was intended to meet was apprehended to be near at hand. If the present measure was necessary, the delay which had taken place was unaccountable, and the bringing it forward now was neither consistent with delicacy nor duty. The object of the law as it stood was, that parliament should, with the least possible delay, provide for the proper care of the king's person, in case the queen should cease to exercise that trust. The act was so framed, that the trust should remain in the counsel for as short a time as convenience would permit. But it was now proposed that an addition should be

made to the council, not by the parliament, but by the queen. The effect would be to commit the trust vested in the council to persons of whom their lordships knew nothing, and for a time depending on the pleasure of his majesty's ministers —namely, until they should think fit to call another parliament. Thus the custody of his majesty's person would be intrusted to individuals over whom parliament had no control, whose very names were unknown, and for a time altogether indefinite. He had complained that no grounds had been stated for the introduction of the measure, and he had also to complain that no good reasons were stated in the preamble. It was set forth in the preamble that her majesty's health might occasionally require her absence from Windsor, and it was inferred that an additional number of her council would therefore be necessary; but if that inference should be found just, it did not follow that her majesty ought to have the nomination of the new members of that body. After the clause respecting the council came the clause for repealing that of the Regency act, which authorized the re-assembling of the old parliament; but to this clause there was not the slightest reference whatever in the preamble. This was a mode of proceeding contrary to all parliamentary usage. No grounds for the measure were laid in the preamble; none of any consequence had been stated by the noble and learned lord; and he trusted that parliament would require very strong reasons before they consented to pass this uncalled-for bill. A prorogation was expected soon to take place, perhaps in a fortnight, or less. That prorogation, it was understood, would be followed by a dissolution, though there was evidently no public reason for that measure. Its legal existence would not expire until October twelvemonths. There was, therefore, no reason why it should not re-assemble. In saying what he had, he did not mean to state that there might not be a necessity, from the lapse of time, and the alteration of circumstances, of revising the Regency act, but in that case, let it be a revision of all the provisions of the act, let a committee be appointed in the next session to consider those provisions, and ascertain what alteration it might be necessary to make in them. There were several parts of that act which, in his opinion, required alteration, and he thought it would be highly advisable to revise the whole. Among the subjects to which, in such a revision, the attention of parliament ought to be particularly directed, was the Windsor establishment, which was far from contributing in any way to the comfort of him for whose sake it was pretended to be maintained, and served only unnecessarily to increase the heavy burthens of the country. Another important object would be to provide for the case of the demise of the Prince Regent, a case which, in the present circumstances of the country, more imperatively called for provisions than the demise of the king or queen, as it involved in it a complete suspension of the royal authority. The next object which would fall to be considered, would be to make provision for the assumption of the royal authority, by vesting it, in the event of the demise of the Prince Regent, in the next heir to the throne, respecting whom, from his age and character, he was confident there could not be two opinions, either in parliament or the country, as to his fitness for all the duties of that station. That illustrious person, who of right would so succeed, would doubtless be vested with the royal authority without restrictions. When these cases were provided for, parliament might next turn its attention to the present subject, which was certainly one of inferior importance, and consider whether any new provision might be desirable in the case of the demise of the queen. He thought it would be infinitely preferable to vest, in case of that event, the care of the king's person in the Prince Regent, convinced that the patronage attending that high and important trust, would be much better vested in the hands of the Prince Regent, than in a separate establishment, the patronage of which might be made use of in opposition to the executive government. This he stated on general principles, without regard to the persons who might compose that government. Upon all these grounds, he saw many and strong reasons for opposing the bill, and could see none to induce him to support it. As, however, he was far from considering the present Regency act suitable to the actual circumstances of the country, he should not give the motion for the second reading a direct negative, but would move the previous question, with the view of hereafter moving, not in this, but in the next session, for a committee to take into consideration the provisions of the Regency act, with a view to make such arrangements as were

called for by the lapse of time and the alteration of circumstances. The noble earl concluded by moving the previous question.

The Earl of *Liverpool*, after stating that the noble earl who had just sat down had urged two grounds of objection to the bill—one against the mode of legislating now proposed, the other against legislating at all—admitted that there might be a difference of opinion whether it was fitting to adopt general regulations to meet the contingencies that might occur in the custody of the king's person, or to provide for circumstances whenever they might arise; but, in all the noble earl had advanced, there was no argument against the present bill. The noble earl had made no objection in principle to the first clause of the bill. He admitted it was necessary that a power of adding to the council should reside somewhere, and only objected to the mode in which that power was to be exercised. As to that obtion, he should state the situation of some of the council. Two of the present members were, it was well known, so employed in official duties, that it was impossible they could reside at the place of the king's residence, and two others had important and sacred duties to attend to, which rendered it impossible they could reside there, except for a very limited period, at any one time. The object was therefore an additional number of members, and, as had been stated by his noble and learned friend, not the mode of appointment. It was perfectly true that in the original Regency act, the persons composing the council were designated by name, but there was a clause enabling her majesty to fill up any vacancy occasioned by death, or otherwise; and, as had already been stated, that the queen, under the powers vested in her majesty by the Regency act, had filled up one vacancy that had occurred in her majesty's council; and it might have happened that the whole eight members might have died, and thus the whole council have been of her majesty's appointment. The principle, therefore, of appointment by her majesty had been thus long since distinctly recognised. Had that clause been then an object of jealousy, there might be some ground for objecting to the present; but no objection had ever been made to the adoption of it on the former occasion. If, however, there was any difficulty upon this point, he had no objection to the additional members being nominated by parliament, with the same provision as before, to enable her majesty to fill up any vacancies that might occur. With regard to the second part of the bill, the noble earl had expressed his surprise at the introduction of this measure, without any ground having been given for it in the preamble, or in the address lately made by a noble and learned lord on the subject. Surely, it must be obvious that great inconveniences might arise, from its being compulsory, in the event of the demise of the queen, between the dissolution of one parliament and the day of meeting of another, that the old parliament should reassemble forthwith. Was it no inconvenience, he would ask any man, that all the expense and trouble that had been incurred in new elections should go for nothing? The inconvenience was, indeed, so obvious, that it needed no argument to prove it. It was an inconvenience that ought only to be incurred in a case of actual necessity. In the case of the demise of the Prince Regent, the whole executive authority would be in abeyance, and there it was no question of expediency, but a matter of absolute necessity that parliament should forthwith assemble, in order to provide for the administration of the government. It was true that it was within the competence of parliament to provide for an eventual regency, but parliament had not thought proper so to do, although the question was undoubtedly brought into discussion at a former period. And he remembered that a noble baron whom he regretted he did not now see in his place, with whom he had not agreed in general upon political measures for some years, had observed upon that very point, that though at first sight it appeared expedient to provide for an eventual regency, yet when the question came to be considered, there were so many objections that it was better to let the question remain as it was. Parliament, therefore, not having chosen to provide for an eventual regency, it was imperative that parliament should forthwith meet, in the event of the demise of the Prince Regent. With regard to the demise of the Crown, there it was the old law of the land that the parliament should meet forthwith, though the heir apparent or presumptive immediately succeeded, and circumstances might exist in both cases, besides the making provision for the civil list and other causes, that would render the immediate meeting of parliament

so necessary, that it was much better to leave as it was, the old law of the country. But in the case of the demise of the queen, what possible necessity was there for the immediate meeting of parliament? The whole powers of her majesty, with regard to the care of the king's person, would immediately become vested in her majesty's council: it might be expedient to prescribe that in that event parliament should meet within a certain period, but there certainly was no necessity whatever in that event for parliament meeting forthwith, and in the balance of conveniences and inconveniences, it was clear that the convenience was on the side of obviating the necessity of a forthwith meeting of parliament, there being nothing that required it arising from the contingency of the demise of the queen.—As to the accusation of want of delicacy in bringing forward this measure, he was satisfied that no real ground of charge could be brought forward against his noble and learned friend or himself, or those with whom he acted, of indelicacy towards the illustrious personage to whom this bill partly referred. So far from there being any foundation for such a charge, this measure had been brought forward with the concurrence and entire consent of that high personage, who had expressed her anxious desire that nothing with regard to her state of health should be allowed to interfere to prevent that consideration of this subject by parliament, which the necessity of the case required. As to the objection against this measure being now brought forward, the same argument might be used against all measures of legislation; it might be said upon the same ground, with regard to any measure whatever, that it was not fit to entertain it, because it might have been brought forward at an earlier or at a later period. When the noble earl said that no necessity existed for the dissolution of parliament, he must admit that that necessity would exist in another year; what, then, was the difficulty in passing that now, which must at all events be passed in another year? The question was not, what might have been done at an earlier period, or what it might be thought necessary to do at any subsequent period, with regard to any revision of the Regency act; but whether the measure now brought forward was or was not necessary at the present moment. In this view, he contended, that the bill was called for by the necessity of the case.

The Earl of *Carnarvon* said, he had listened with attention to the speeches of the noble and learned lord on the woolsack, and of the noble earl opposite, and was still at a loss for the reasons that could have induced them to bring forward this measure, so important in its nature, and, he would add, so unconstitutional. The only inconvenience that could be apprehended from the existing law was, what might result from a general election, and to avoid this possible contingency, they had proposed a measure whereby, in the event of the queen's demise, the care of the king's person would be thrown by parliament upon a certain number of commissioners—not for a few weeks, as originally contemplated in the Regency act, but for any indefinite period that might seem fit to ministers. No provision whatever was made for the event of his majesty resuming his reason; an event improbable indeed from his majesty's advanced age, but not impossible, nor one that could be lawfully regarded as impossible; and all this, because it was inconvenient for parliament to meet at a late season of the year. Is was their imperative duty to assemble on such an event, and make such arrangements as circumstances might render necessary. It might be said, indeed, that it was in the power of the executive to call a parliament; but the provision in the Regency bill was for calling one at all events. If that principle was right in the Regency bill, what was the conduct of the House now? They were depriving themselves of the power of considering the subject at the precise moment when the exigency of circumstances would most require it. These were his objections to the principle of the bill. Unless, therefore, their lordships could consider their own inconvenience in meeting at one period rather than another, and also the unwillingness of ministers to meet parliament, as of more importance than their duty, they could never give their sanction to such a measure.—He should very willingly assent to any proposition calculated either for her majesty's convenience, or to secure her peace of mind with regard to the king's safety; but he could not approve of it in conjunction with the other measure for repealing one of the provisions of the Regency act. He could wish, therefore, that the present bill had been divided into two; that the former part, for increasing her majesty's council, might receive the assent of par-

liament with the least possible delay, while the other provision might remain to be more fully agitated. This discussion brought to mind the necessity of some prospective measure, for that event which the lot of humanity always rendered more or less probable. In the revision of the Regency act, he did not think it could be safely overlooked to provide, in case of the Regent's demise, the means of supporting the royal power; there could not be a question on the person on whom that power should devolve. But instead of parliament, in case of the Regent's demise, aiding in the resumption of the royal power, it would have again to discuss in whose hands the regency should be vested, and though there might be no doubt on that point, there was great doubt as to the manner, for there was no precedent but that of the last bill, which was one he thought would not be followed—a precedent that had devised a mode of obtaining the royal assent without the concurrence of the royal will, with which it might be dangerous for the prerogative that the two Houses of parliament should become too familiar. If the motion for the previous question were rejected, he should not object to the second reading of the bill, especially as he understood the noble and learned lord on the woolsack to say, that in the committee he would expunge two or three of the clauses for the admission of others.

The *Lord Chancellor* said, he could never have thought of expunging three clauses from a bill that had only three.

The Earl of *Lauderdale* agreed that a case was established to call upon parliament to assist her majesty in the discharge of her functions, and as there was a disposition to agree to the suggestion thrown out of leaving the nomination of the additional counsellors to parliament, he saw no objection to the bill upon that ground. If, however, the whole patronage of the Windsor establishment, was to be vested in the queen, he should feel himself under the necessity of objecting to it. He would agree, that in point of delicacy, there should be as little discussion upon this subject as possible; and, therefore, if the previous question was adopted, and a bill afterwards brought in, free from the disadvantages of the present, he thought there could be little difficulty in carrying it through the House.

The *Lord Chancellor* declared that, with a very little alteration, there could not be a better bill than the one he had already presented to the House. He was quite ready to accede to the suggestions of any noble lord respecting the mode of nominating the members by parliament, and particularly as those members so nominated would hold their places independent of the queen, and not be liable to removal. The noble earl who spoke first, had commented upon the indelicacy of bringing such a subject forward for parliamentary discussion. That noble earl had ever been remarkable for his respect towards the members of the royal family, but he trusted he (the lord chancellor), had never been deficient in that respect—and indeed, all the noble lords in the House. Even as the bill now stood, he conceived it was not less calculated for the general benefit of the state, than any that could be founded on the suggestions of those noble lords who opposed it. He had only farther to say, that, when this bill was originally introduced, he did not forget the immense responsibility which rested on those who acted on the part of the executive government, in case her majesty should cease to have the care of the king's person. He hoped the noble earl who had followed, would not have the same objection to certain bills that would probably be discussed in the course of ten days, as he seemed to have to the present—for he appeared to wish to alter this bill by striking out every word from the beginning to the end of it. With respect to the principal difficulty to which that noble earl adverted, he would find, in the last clause, a provision that removed his objection altogether. It was there stated, that the powers granted to the commissioners under this bill were only such as they would have derived under the 51st of the king—and, in fact, it gave them no other powers. He admitted that the subject was a most important one, and that noble lords might feel some objections to the present measure—but he could conceive no fair reason for saying, that not a single word of it ought to stand. Some objections had been made to the preamble—but, if the bill were duly considered, it would be found that the preamble was drawn up in a very proper manner. And he would take leave to assure the noble earl who had made that objection, that if he would address himself, with as much attention to acts of parliament, as those who, perhaps unworthily, were denominated learned lords, were

obliged to do, he would find many of them without any preamble at all.

The Marquis of *Buckingham* said, the principle on which they had legislated, at the commencement of his majesty's illness, was this, that the government was vested in the two Houses of parliament; and it was for them to act according to the emergency of the case and no farther. On that principle the arrangement was then formed, and on that principle alone it was their duty to act now. Circumstances had unfortunately arisen (on which it would be indelicate to indulge in observations) that rendered the proposed provisions necessary. He was grateful to the noble and learned lord for the readiness he expressed in making an essential alteration in the bill. For he could not help saying, that, in strict principle, he should be better satisfied to have the new commissioners appointed by parliament, than by any other power. If an amendment, to that effect, were introduced into the bill, the measure should have his entire concurrence.

The previous question was then negatived, and the bill was read a second time.

HOUSE OF COMMONS.

Friday, May 22.

Duties on Rock Salt.] Mr. *Calcraft* rose, pursuant to notice, to move, that the House do resolve itself into a committee on the Rock Salt duties, with a view to the reduction of them on that used for agricultural purposes. The usefulness of such reduction had been admitted on all sides in the committee, and it was, therefore, unnecessary for him to enlarge on that part of the subject. The committee had been of opinion, that a measure for that specific purpose might be obtained in the present session, though they apprehended that other objects more complicated, must lie over till another. It was the opinion of the committee, that he should propose that the duty on Rock Salt, used for agricultural purposes, should be reduced to 5*l.* per ton. It had been reduced to 10*l.* last session, but the committee recommended that farther reduction which would render the article accessible to every holder of land desirous of trying it. The hon. gentleman then moved, "That the House do resolve itself into a Committee of the whole House, to take into consideration the Act 57 George 3rd as far as relates to the Duties on Rock Salt."

Mr. *Wallace* said, he would not oppose going into the committee, as every encouragement ought to be given to persons desirous of experiments in agriculture.

The House then went into the committee, and a resolution was agreed to, instructing the chairman to move for leave to bring in a bill founded on the resolution of the committee.

Poor Laws.] Mr. *Brougham* wished shortly to call the attention of the House to the subject of the Poor Laws. He understood that all the measures which the committee on the Poor Laws had it in contemplation to propose were now introduced, namely, the Select Vestry bill, the Poor Laws Amendment bill, and that which it was proposed to postpone to another session, the Parish Settlement bill. Understanding that it was not the intention of the committee to go farther than these three measures, he could not help saying, that he felt considerable disappointment at their not taking a more extensive view of this great and important evil, and of the remedies which were adequate to meet that evil, than they appeared to have done in these three measures. He was sensible of the great labours of the committee, and of the importance of the body of evidence which they had collected on the subject. That evidence was indeed highly valuable; and whatever still remained to be done might well be done on that foundation. But seeing that the attempts of the committee were limited to these three measures, he wished to give this notice, that if the labours of another inquiry would allow him to apply his attention to the subject, he should this session—at any rate if he had a seat in the House, he should in the course of another session—lay before the House the result of the consideration which he had given to this subject. His first plan would have for its object the limitation of the progress of the burthen, that is, the affixing if possible, some limits to the progress of the burthen. His next plan was for gradually narrowing these limits. His next plan would have for its object the discovery of such means as might enable the legislature to equalize the burthen, so that it might not be thrown, as at present, on the land-owner only, but might affect, in something like an equal degree, the other classes of society. These were the three measures to which he should call the at-

tention of the House; and he should bring the subject before the House either in the form of resolutions, or in that of bills, to lie over till next session. If, however, the other inquiry in which he was engaged, should not allow him to do this now, he should do so at an early period of next session.

Mr. *Huskisson* said, the House and the country would be under great obligations to the hon. and learned gentleman if he could introduce any practical measures to meet the evils which had grown out of the Poor Laws. No subject could be more difficult of attainment than this, from the progress which the evil had already made. It was certainly highly desirable that some means for gradually reducing the rates from their present amount should be dicovered. This subject had engaged a great deal of the attention of the committee up stairs. The hon. and learned gentleman was under a mistake if he thought that the committee had no measures to submit, but the three bills before the House. The committee had not yet seen their way in this most difficult subject, as the hon. and learned gentleman seemed to have done; but it was the sense of that committee that other measures were necessary to prevent the evil from overwhelming the country. All he wished to state now was, the protesting against its being supposed to be the sense of the committee, that nothing ought to be done but those measures which they had already introduced.

Mr. *Brougham* said, he had been mistaken with regard to the intentions of the committee. As they had been sitting two sessions, he had hoped that whatever measures they might think it necessary to suggest would have been proposed this session: and he had, therefore, deferred coming forward till this late period, when no prospect remained of having any other measures from them. He was glad, however, to find that the committee had not made up their minds that no other measures were advisable—that they were not for shutting the door to any other measures. With respect to any views entertained by him of what was necessary for arresting the progress of the evil, he did not mean to say that steps should be taken for fixing a peculiar limit to the amount of the rates. His object was, to look to more remote means of operation on the system, by which in time, the same extension of relief as existed at present would no longer be necessary. He did not contemplate the laying down a maximum, as from the progress of the rates that would not be an easy matter.

Miscellaneous Estimates.] On the order of the day for going into a committee of Supply, to which the Miscellaneous Estimates were referred,

Mr. *Bennet*, before the House went into the committee, seeing a noble lord connected with the war department, in his place, wished to know if he could afford him any information on the subject of a regulation which excluded certain medical officers employed on the continent, with part of the army, at the time, from sharing the prize money due to the army, for the battle of Waterloo. This regulation was at variance with the old practice of the army, and with the course pursued through the whole of the peninsular war. In Spain, the medical officers had always shared prize money, and it seemed but fair that they should, as, though they were not often exposed to personal hazard, yet they were of essential service to the army with which they were connected. Those medical officers, however, who had been at Brussels at the time the battle of Waterloo was fought, had been refused a share of the prize money; yet that the medical staff had rendered most important services to the army, might be collected from the fact of their having restored 5,000 soldiers to the British army within six weeks of the time at which that battle was gained. The regulation alluded to subjected these gentlemen to a great hardship, and it was in direct opposition to the course which had been pursued through the whole peninsular war. While these persons were thus dealt with, there were many generals who had joined the army within a week of its entering Paris, who had never heard a shot fired, nor faced an enemy, but who notwithstanding were held to be entitled to share prize money, though all they had done was to travel comfortably in their post chaises, to enter Paris at their ease, and to visit the theatres and places of public amusement. These individuals who had thus enjoyed themselves were allowed a share of that prize money, which was denied to those who for months and months had had a most painful and important duty to perform.

Lord *Palmerston* said, the hon. gentleman was mistaken if he supposed that

officers on the medical staff were excluded altogether from prize money. They generally shared according to their rank with the other officers, but it was true that a regulation had been adopted under which those only were entitled to prize money for the battle of Waterloo, who were connected with the troops engaged on the 16th, 17th, and 18th, of June, or who were present at the sieges and blockades of garrisons in France, and thus those who had remained at Brussels were excluded. If the hon. gentleman thought a new principle had been adopted in confining the distribution of prize money to the medical officers connected with different stations, he was mistaken. To prove this, he would refer the hon. gentleman to the payments made in the Peninsula, which he would find had been confined to stations, the first having been made to those who broke up from Coimbra to march to the Douro; the second, to those who broke up from Portugal on the 5th of March; and the third to those who were present at the taking of Ciudad Rodrigo. The regulation complained of had been adopted, as it was found necessary to draw a line somewhere. In the case referred to by the hon. member, the claims of those medical officers who remained at Brussels being admitted, because the men wounded in the battle of Waterloo subsequently fell under their care, why might not similar claims be advanced by the medical officers at home, as many of the sick had been sent to Plymouth? With regard to the several officers who joined a week before the army entered Paris, though they had made that sort of triumphal entry which had been described, yet the case might have been very different. In the week which passed before the army entered Paris, they might have been (and it very nearly happened so) engaged in a severe battle between the allies and the garrison of Paris, and those who joined the army at that time fully expected it.

Mr. *Bennet* contended, that the principle to which he objected had not been acted upon in the Peninsula, in various instances to which he referred. He considered that those medical officers who had joined at Brussels were entitled to share prize-money for the battle of Waterloo. At present he did not intend to do any thing, but he should certainly bring the subject forward early in the next session.

The House then went into the committee. On the motion, "That 15,000*l.* be granted to his majesty, for the purchase of land on Hounslow Heath for the exercise of cavalry, and that the said sum be issued and paid without any fee or other deduction whatsoever,"

Mr. *Warre* said, he saw no necessity for the proposed grant; plenty of ground for such a purpose was open on Wimbledon Common. He also thought the purchase money too high.

Mr. *Arbuthnot* showed that the price to be paid for the land in question was by no means unreasonably high: 300 acres were to be purchased for the 15,000*l.* and land in that neighbourhood had recently been sold for 100*l.* per acre.

Mr. *Calcraft* did not say that the price was great when the number of acres to be purchased was considered; he, however, could not see that it was necessary to purchase so large a piece of ground to exercise such a body of cavalry as were likely to be stationed at Hounslow. He felt this so strongly that he should take the sense of the committee on the resolution.

Colonel *Wood* said, that Hounslow-heath was of all others the place where cavalry could be most economically exercised. In no other part of the kingdom could a brigade of cavalry be kept together for any length of time without erecting barracks for their accommodation. But at Hounslow-heath, from the vicinity of the barracks at Hounslow, Hampton Court, and Windsor, and from the number of villages in their neighbourhood, a brigade could be kept together for some months at a comparatively small expense.

The committee divided: Ayes 65, Noes 23.

List of the Minority.

Althorp, viscount.	Lefevre, C. S.
Brougham, H.	Martin, J.
Barnett, J.	Newport, sir J.
Curwen, J. C.	Ramsden, J. C.
Douglas, hon. F. S.	Romilly, sir S.
Duncannon, viscount.	Smyth, J. H.
Fazakerly, N.	Tremayne, J. H.
Finlay, K.	Teed, J.
Gordon, R.	Warre, J. A.
Hamilton, lord A.	Wynn, sir W. W.
Lemon, sir W.	Teller.
Lamb, hon. W.	Calcraft, J.
Latouche, R. jun.	

FRENCH INDEMNITIES.] The House resumed. On the question, that the report be brought up,

Mr. *Warre* rose to call the attention of the House to certain points relative to the pecuniary part of the treaties between this country and France. By the treaty or convention entered into at Paris, on the 20th of November 1815, sums of money were to be paid to Great Britain by France, in the shape of indemnities. The amount so to be paid, was at the time declared by the noble lord opposite, as intended to go *pro tanto* to relieve the people of England for the sacrifices they had made during the war, besides the sum to be paid by France to support the army of occupation. A considerable time ago a noble friend of his had declared in another place, that the share of the sum for maintaining the army of occupation, which this country was to receive, would, in the end, be found very inadequate, but this was at the time contradicted by the colleague of the noble lord opposite. Before the treaty of November 1815, Great Britain claimed from France a very large sum for civil contingencies, for the maintenance of French prisoners, &c. Under the convention concluded in conformity to the 4th article of the principle treaty, France was to pay Great Britain 125,000,000 francs, at the periods hereafter specified, viz.—

In the year	*Frs.*	*Cts.*	*Frs.*	*Cts.*
1816	15,000,000	0		
1817	27,500,000	0		
1818	27,500,000	0		
1819	27,500,000	0		
1820	27,500,000	0		
			125,000,000	0

An agreement was subsequently made with France, for postponing the payment of one-half, and interest was charged to France for such postponement, amounting to 133,106 frs. 52 cts.

The total received from France to the 1st May, 1818, was	60,966,439	84

This sum had been applied as follows:—

Retained by the British commisioner, on account of the expenses of his establishment	555,666	66
Paid into the military chest in France towards the expenses of the army of occupation, over and above the sums received from France on account of that army	14,534,277	29
Paid to his grace the duke of Wellington, in Paris, towards the sum of 25,000,000 francs, granted by parliament as prize money to the troops under his grace's command	8,000,000	0
Remitted to England, and which produced the sum of 1,406,916*l.* 11*s.* 11*d.* sterling	31,886,833	34
Total applied	54,976,777	29

Now he thought the remittance to England of 1,400,000*l.* (to speak in round numbers) was to have been applied here in aid of the current expenses of the year; but he was astonished to find it had been sent back to France, and applied to military purposes, as follows:—

The sum of 1,406,916*l.* 11*s.* 11*d.* sterling, the proceeds of the 31,886,833 f. 34 c, remitted from France, as above stated, was applied as follows:—

Towards completing the grant of the sum of 25,000,000 francs, as prize money to the army under the command of his grace the duke of Wellington	707,263	10	5
To the paymaster-general of the forces, in repayment of sums advanced and paid out of the extraordinaries of the army in England, for the use of the troops serving in France in 1816 and 1817	104,579	0	0
To the paymaster-general of the forces, in repayment of sums advanced and paid in England, out of the sums granted for the ordinary service of the army, on account of the troops serving in France in 1816 and 1817	595,074	1	6
	1,406,916	11	11

By the treaty of 1815, the commissioner had received a grand total of 250,000,000 of francs, for which England had surrendered a claim of seven millions sterling,

*

which she had at the conclusion of the war in 1814, for claims on account of French prisoners. So that on looking at the main balance, England, it would be found, was a very inconsiderable gainer, notwithstanding the vauntings of the noble lord opposite. Indeed, this was predicted at the time, and it was fairly said (though, as usual, the statement was contradicted), that the whole sum would go to maintain the vast military expense, and that not one halfpenny would go into the public purse for general purposes.

Lord *Castlereagh* said, the hon. gentleman's observations were in many parts founded in error, from a want of attending to the necessary documents. He had forgotten that two millions went for the fortifications of the Netherlands, in return for which Great Britain received from Holland colonial acquisitions. Out of the 50,000,000 of francs for the army of occupation, the share for this country, as settled on the face of the protocol, was about 12 millions and a half, and the round sum was merely intended (and it was so declared) to support the continental force exclusive of the British. It would have been onerous indeed upon France, if she were to have, in maintaining a given number of men, the task of entirely supporting the British army, which it was known entailed double the expense of the same number of men in any other of the armies of Europe. The remittance alluded to as having been made to England, was not disposed of and sent back in the careless manner the hon. gentleman thought; but though generally set down in the accounts as paid again into the military chest, it was, in point of fact, applied at home for the reduction of such part of the expense as must necessarily be liquidated here. As to the donatives —the question relative to the grant at Waterloo was, as to the mode of arranging the amount for the British and allies conjointly, or by making a constitutional separation. When the whole charges were wound up, he was convinced the general arrangement would be found to have worked in the manner it was intended, so as to satisfy the whole of the demands which it was right to exact. On the subject of the private claims, three millions and a half had been paid into the hands of the commissioner, and he thought it was much more desirable to have accepted this specific amount from France than to have left the manner open to a number of different individual adjustments on the merits of each particular case. On the subject of the claims for prisoners of war, the hon. gentleman seemed to have argued, as if France had admitted a gross debt of 7,000,000*l.* sterling. Now this was not the fact; and the hon. gentleman had also fallen into an error, by arguing as if France had no sum to set off against it, for the maintenance of prisoners in her turn. The present government was certainly more likely to come to a fair adjustment on this head, than that which preceded it; for Buonaparté not only denied the gross amount of the British claim, but insisted upon setting up against it the expense of maintaining, not alone British prisoners, but Spanish, Hanoverian, and those of the other allies, brought by this country into the field; so that by this sort of calculation the hon. member would have found Great Britain not likely to have had a very solvent claim, or to realize much profit on striking the balance. He again repeated, that the winding up to the general arrangement would be most satisfactory, and that it was to the honour of France that she, up to this day, had religiously fulfilled her payments without the smallest defalcation.

Mr. *Tierney* remarked, that the noble lord had not said one word to touch the observations of his hon. friend. The substance of those observations was, that the country was led by the noble lord to expect from the last treaty a two-fold advantage; first, that France would have to pay for the maintenance of the army of occupation; and, secondly, that the public would derive further pecuniary relief from the sums to be paid by France. The noble lord said, that the two sums added together paid the army; but why not have kept them separate, and for distinct purposes, so as to enable parliament to hold some control over the application of the money? The noble lord indeed said, that there had been a glorious result, because England had nothing to pay; but why had not she something to receive for her sacrifices, as the noble lord had exultingly promised? He had indeed told the House, for the first time, that the Dutch gave colonial acquisitions to England for the part she took in the question of the fortifications. But, then, he said, the papers on the table would give every information, and that the hon. gentleman was wrong in not more accurately

examining them. Why, the real cause of this was, the unsatisfactory manner in which the accounts were made out. The noble lord thought every thing was very clear when he laid such a complicated mass of papers on the table which it was impossible for any man to read. The noble lord also gave his explanation with so much suavity, and in so level a tone of voice, that it was almost impossible to imagine the subject had any importance, beyond an ordinary common-place question. It was now clear, that the general civil claim of the country was compromised for one-half its expected amount, and this was the result of the noble lord's diplomatic skill, after the shoutings with which he was hailed on his entrance into the House, after concluding the treaty! All the boastings, it now appeared, ended in nothing.

The report was ordered to be received to-morrow.

ALIEN BILL.] The bill was read a third time. After which,

Mr. *Brougham* proposed the following clause, "Provided always, and be it further enacted, that every such alien, before being sent out of the country, shall receive notice the space of at least one month before he shall be so sent, and in case, during the said space of one month, any vessel shall sail to any kingdom, country, or place, where such alien may desire to be carried, shall have liberty to embark himself on board of such vessel, any thing in this act, or in the said recited act, to the contrary notwithstanding; provided always, that it shall and may be lawful to keep such alien in custody during the aforesaid space of one month and until he shall have embarked on board of such vessel." On the question, that the clause be read a second time,

Lord *Castlereagh* said, he must object to it. Circumstances might occur which rendered it necessary to order an alien out of the country at a moment's notice. But if, added to the option of delaying their departure, such characters were also to select their place of retreat, the evil was incalculably worse. A foreigner might transport himself here, for the most mischievous ends, and after thus pestering this country, might, if the hon. and learned gentleman carried his point, demand to be conveyed from hence, even to South America, and the government must defray the expenses of his freight. He apprehended that this would turn out a very bad bargain for the country.

Lord *Compton*, although he supported the bill, felt it his duty to support the present clause, because, although any country had a right to expel foreigners from its shores, still the government of the country had no right to send the alien to a country where it might perhaps be dangerous for him to attempt to land. He voted for it, not from any suspicion that his majesty's ministers would abuse their powers; but it should not be forgotten that it was the nature of all power to be abused. Laws were not made to guard against what men would do, but to protect the people against what they might do.

Mr. *H. Clive* objected to the amendment, as entitling the alien to put the government to considerable expense as to his passage to that particular port to which he was inclined to transport himself.

Mr. *Brougham* expressed his astonishment that the noble secretary of state, and the hon. gentleman who spoke last, should put such a construction on this clause as they had done. They had, it seemed, discovered a new mode of interpreting acts of parliament, and he congratulated the hon. gentleman in having attained this knowledge so soon after his appointment. They argued, that the alien must be sent to any place—to Botany Bay, for instance, at the expense of the government. Now what was the fact? The clause said, that such alien should have liberty to embark himself on board a vessel, &c. Did this make out that the government was to bear the expense?—that a right to embark in the good ship, Mary, to Botany bay, instead of Bourdeaux, or to Bourdeaux instead of Botany Bay would subject the government to defray the expense of the stage-coach to the coast, the custom-house fees, the passage in the vessel, the charge for stores, and the steward's dues, the boat on landing, the porter for carrying the trunks to the White Bear Inn, or the Hotel de la Paix? As this was the first opportunity he had had, and would in all probability be the last he should have of expressing his sentiments on this subject, he now desired to enter his protest against the whole of the measure—to express his disapprobation, not to say his abhorrence, of it. With a a view to save the time of the House, he would now propose another clause, and

and they might be discussed together. This clause was to enable aliens to be heard by their council or agents as well as by themselves, before the privy council. It was nothing more than a mockery, a mere nominal or verbal check, to provide that the alien himself, ignorant perhaps of the language, might be heard. The noble lord, on a former occasion, had said that the alien might be accompanied by an interpreter; but it was not the interpretation of languages that was wanted; it was the "habitus practicus interpretandi legum," and that could be performed only by a person conversant with the laws of the country. He lamented that this measure had been so little noticed by the public. Whenever a new tax was proposed, or an old one was sought to be repealed, the people rose from one end of the country to the other; but on a point that so vitally affected the liberties of the constitution, and which would cast such a stain on our character in the eyes of Europe, they were totally indifferent, cold, and silent. It had been said that the bill was for the guilty, and not for the innocent; but if such a power was given, they might as well at once give the sword of justice to the Crown, and let the cadi or the vizier, or whoever he might be, exercise the power of trying and transporting whoever they might think guilty. If the law was directed, as seemed to be the intention, instead of guilty aliens they might alter the word, and say guilty subjects. It was, in fact, neither more nor less than a suspension of the constitution. They were, indeed, in a sad condition, if they were to pass a measure of such vital importance on such grounds—if they were to proceed as they had before done, upon reports which had been swollen and exaggerated till they reached and poisoned the easy ear of lord St. Vincent [Hear, hear!]. He should have said, of lord Sidmouth; but if any apology were due to the House for the mistake he had made, it was much more due to the noble earl whose name he had so unluckily coupled with that of the present secretary of state for the home department. No two men could be more dissimilar; and it was only because the contrast between the two was so striking, the energy and talents of the one so opposed to the inefficiency and deficiency of the other that the two names had been brought together in his mind, and earl St. Vincent's title obtruded upon the House in a debate with a subject of which he had in truth no connexion. If he had been called upon to point out two individuals, the direct reverse of each other in all particulars that qualified a man for a high office in the state, he could not have been more happy in his selection than when he mentioned earl St. Vincent and viscount Sidmouth. The hon. and learned gentleman concluded, with declaring himself strongly against the bill, and hoping that the clauses which he proposed would be accepted.

Mr. *Canning* advised the hon. and learned gentleman not to make so frequent a use of exaggeration. It was on the management of lights and shades that depended the effect of a picture. To cry out upon every occasion that the nation was lost, was to cry "wolf" to the country to no purpose, and to weaken any little authority he might have had when his call was really serious.—Notwithstanding all the elegant Latin, and all the forensic humour, which the hon. and learned gentleman had applied to the purpose of his speech, he could agree neither with his Latin nor his humour. There was nothing introduced into the hon. and learned gentleman's clause relative to the alien, who might wish to be transported to a particular part bearing his own expenses. If this was his intention, it ought to be so expressed; if not, the whole expense was laid upon the country—a serious objection in these times of distress and economy.—That was the fact; and he defied the most *practicus habitus* man in the House to prove the contrary. The clause farther proposed as a mitigation of the bill, would enact, that the alien should have a month allowed him to choose his destination, and that he should spend that month in prison. Now the bill which was thus to be mitigated, inflicted on the alien no imprisonment at all. As to suffering him to choose his own destination, supposing that he was engaged in some plot, like that lately detected against the life of the duke of Wellington, would he not ask to be sent to the very place where that plot was to be executed? And should government thus afford him the means of doing that, which it was the object of the measure to prevent? In the case before, that of Las Cases, an individual had requested to be sent to Hamburgh instead of Ostend, and his request had been attended to. Did that argue any disposition on the part of ministers to abuse their power? As to the second clause which the hon. and

learned gentleman had announced, it would make the bill altogether a new one, and turn an executive into a judicial proceeding. With respect to the danger which required a measure like the present, could any one imagine that if the conflagration was kindled in France, it would not involve this country? Whenever the storm might rise it would carry us in its whirl. England must be shaken in her orbit, if the rest of the system were disturbed. It was, therefore, the duty of parliament, to take measures to prevent the country from being over-run by the very pests and refuse of Europe—by those who, driven from their own country by their crimes, sought shelter in this until they could ripen into action their detestable machinations. Formerly, during the French revolution, these islands had been the refuge of all that was loyal and respectable; but the other side of the House were now desirous that the very reverse should happen, and that treasons, not only against ourselves, but against our neighbours, should be hatched in a country where, in the earlier ages, treason was almost unknown. The opposers of this measure seemed anxious that new scenes of glory and ambition should be opened to those, who had learnt no lesson from the calamities of their country, but how to avail themselves of its distresses for their own aggrandizement [Hear, hear!]. Did not the publications which daily arrived from the Netherlands prove, that a set of malignant spirits were there hovering about who still hoped to undo the work of peace, and to rekindle the flames of war? Like the philosopher of old, they called for a resting place for their lever—"Give us where to stand and we will shake the world." The answer given to them by this bill is—"You shall not stand here." [Loud cheers]. But a few years had elapsed since England was the depository of the hopes and fortunes of the world. All longing eyes were turned to her; and other powers, who occasionally shrunk from the contest, returned to it again when they marked her standard unceasingly displayed above the smoke of battle. It had stood firm and unshaken in the rudest shock of war; and what man, who loved the glory of his country, or valued the liberty of the world, would consent even to the chance that it might become the unsuspecting prey to secret and foreign enemies? It might be said that this bill was offering a slight violence to the old system of our laws; but he (Mr. Canning) was convinced, that we might be justified in modifying for some time longer, that part of our constitution which regarded foreigners. It was a temporary sacrifice to secure the tranquillity achieved by our victories; and for such a purpose it was not only justifiable, but necessary. As to the hands to whom the power should be intrusted, that was a matter of little consequence; and he (Mr. C.) should feel content if it were reposed in any English gentleman competent to fill the office of a minister of state. If the hon. gentlemen opposite were in power, he would willingly confide it to them: and from them he only required for himself and his colleagues, that confidence which he would cheerfully have reposed in them.

Sir *F. Burdett* rested his opposition to the bill upon the ancient laws and constitution of the country. If Magna Charta were yet to be respected—if it were not a disgrace at this time of day to refer to its salutary provisions, he should point it out to the House as affording abundant reason for rejecting the bill now under consideration. The right hon. gentleman who spoke last had complained that the hon. and learned mover of the clause had on frequent occasions cried Wolf! wolf! when no such ravenous animal was at hand; but while ministers persevered in measures like the present, the cry could not be too often repeated; the danger was not only at hand, but in execution; Wolf! wolf! ought to have long been the cry all over the country, for the unhappy people had long suffered under the rending jaws of pitiless and insatiable wolves [Cheers]. The hon. baronet then cited the authority of lord Coke upon that part of Magna Charta which respected the hospitality and protection due to foreigners, contending that the words "publicly prohibited," used by that great judge, were explained by him to mean, not prohibited by royal proclamation, for the Crown never legally possessed that prerogative, but prohibited by act of parliament. The hon. baronet argued that the laws which governed its own natives were sufficient to regulate the conduct of foreigners, and to punish their mal-practices; and consequently that the object of this bill, like many others, was only to lodge power in the hands of the Crown, in order that it might be abused. The right hon. gentleman had asserted that, during the French Revolution, this country had been the

refuge of all that was loyal and respectable; but these were mere words, and he had offered no proofs; indeed, it would be much more correct to state that it had become the lurking place of all that was degraded and despotic—of those who fled from the revenge of an injured and oppressed people struggling to regain its liberties. The real object of this Alien bill was, to aid that European conspiracy in which the noble lord opposite had taken so active a part, and the effect of it would be, to destroy that character for generosity and hospitality by which the people of England had hitherto been distinguished. Another effect would be, to drive all the talent and industry of Europe to that now only free country in the world, America. The right hon. gentleman had objected to what he called making the measure judicial, and for the plain reason that it established some control over the conduct of ministers. It would compel them to be less arbitrary and despotic, because they might be brought before another tribunal—the usual pretence of ministerial responsibility, by which the House had been so frequently juggled, though the country could not quite so easily be deceived. That responsibility had been used and abused with regard to our own subjects, who had been tyrannically and unconstitutionally imprisoned, and was it to be expected, that it would be more respected when the defenceless subjects of other states were concerned? Responsibility in the first instance was usually converted into indemnity in the last, as was proved in the case of the Habeas Corpus suspension: in fact, ministers were no more controlled by this stalking horse responsibility, than they had been by the natural feelings of humanity and the dictates of conscience.

Sir *S. Romilly* was anxious to embrace this last opportunity of resisting the progress of this bill. It was urged, that its operation would be confined to criminal foreigners, and yet, with singular inconsistency, the right hon. gentleman had objected to the clause which gave the party accused an opportunity of stating his own case, and being heard by counsel; so that, in fact, that measure which was to be directed against criminal foreigners was to be so framed that no means were allowed to ascertain whether they were innocent or guilty. The right hon. gentleman had also said, that he should be satisfied if the power were lodged in the hands of an English gentleman. Undoubtedly, the secretary of state for the Home department was a gentleman, and of course the right hon. gentleman must be contented that the execution of the bill were intrusted to him: it was of no consequence whether he had the talents or the foresight which became a great officer of state—whether he was likely to become the dupe of spies and informers—he was an English gentleman, and that was enough! [Hear, hear!]. The right hon. gentleman never thought of satisfying the country—if he were satisfied, nothing more was necessary. He had also asserted that France could not be disturbed internally or externally, without such an effect being produced upon England that she must necessarily be embroiled in the contest. Surely this was most alarming intelligence in the present state of our finances, and coming from such a quarter. It was much to be dreaded that, should the tranquillity of France at any future period be disturbed, the people of Great Britain would be called upon to bear new burthens and to undergo new privations for the support of that interest which ministers thought fit to espouse. The right hon. gentleman had reproached his hon. and learned friend with inconsistency in opposing these injurious and unconstitutional measures. Doubtless, judging from the conduct of the right hon. gentleman, he held it a disgrace to adhere to the same opinions or to the same friends. He enjoyed all the advantages of inconsistency, and those who resisted this measure could long ago have partaken of those honours if they would have consented to the same mental degradation to procure them. The only danger pointed out by the right hon. gentleman arose from a few discontented individuals in the Netherlands, who sought a fulcrum for their engine of destruction; but it was singular that, as this was the only danger, it had this night been broached for the first time. The speech of the right hon. gentleman was a piece of splendid declamation, containing some pleasantry, but no argument. It was lamentable to see the House so easily prevailed upon to sanction a measure which would include in its operation above 20,000 persons resident in this country, and many of whom had connected themselves with it by marriage.

Mr. *Barham* contended, that the measure was gratuitous and uncalled for; and

that it was inconsistent with the spirit of our laws and constitution. It had been for the first time proposed, without the statement of any facts to show its expediency, and had been grounded on a mere set of possibilities, which did not afford the shadow of a shade of danger as a cause for it. The less we had to do with the transactions between foreign governments and their subjects the better; and this bill was calculated to make us parties in all such transactions.

Mr. *W. Smith* observed, that by passing this bill we sanctioned in the people the belief that they were in a peril which did not exist, and prepared them for consenting to any other measures that might be proposed to guard against a non-existing danger. The bill had no other object but to sap and undermine the constitution.

Sir *J. Newport* opposed the motion. He said, he would not intrust this power to any party, for it was tyranny, and tyranny when ingrafted on the constitution would produce tyranny throughout the entire. If the Alien bill and the Bank Restriction bill were the fruits of the battle of Waterloo, the blood of Britons had indeed been shed in vain.

The House divided on Mr. Brougham's clause:

Ayes 35
Noes 87
Majority against it—52

List of the Minority.

Astell, W.	Jervoise G. P.
Althorp, visct.	Lemon, sir Wm.
Babington, Thos.	Mackintosh, sir J.
Baker, J.	Markham, adm.
Barham, Jos.	Martin, John
Barnett, James	Newport, sir John
Brougham, H.	Parnell, Wm.
Burdett, sir F.	Philips, George
Byng, George	Ramsden, J. C.
Carter, John	Ridley, sir M. W.
Compton, lord	Romilly, sir S.
Duncannon, visct.	Smith, R.
Fazakerly, N.	Symonds, T. P.
Fergusson, sir R. C.	Tavistock, marquis
Folkestone, visct.	Tierney, rt. hon. G.
Finlay, K.	Warre, J. A.
Gordon, R.	TELLERS.
Howorth, H.	Douglas, hon. F.
Hurst, Robt.	Smith, W.

Sir S. Romilly then moved his clause for exempting from the operation of the bill aliens who were resident in Great Britain and Ireland on 1st of January, 1814, and who had ever since continued to reside therein. Lord Castlereagh observed, that foreigners, although long resident in this country, might be made the instruments of mischief. Sir S. Romilly replied, so might natives—the next step therefore of government ought to be directed against them. The clause was negatived without a division. Mr. Brougham then proposed at the end of the Bill to add the words "except as far as the same relates to women married to natural born subjects of the realm, or to persons who have been naturalized." The question being put, "That these words be there added," the House divided:

Ayes 37
Noes 87

The question being put, "That the Bill do pass," the House divided:

Ayes 94
Noes 29
Majority ..... —65

HOUSE OF LORDS.

Monday, May 25.

REGENCY ACT AMENDMENT BILL.] The House having resolved itself into a Committee on this bill,

The *Lord Chancellor* stated, that it appearing to be the opinion of their lordships that the additional members of the queen's council should be nominated by parliament, as in the Regency act, he had prepared amendments for the purpose of framing the first clause in that view, giving, as in the Regency act, the power to the queen of filling up any vacancy that might occur, by an instrument under her majesty's hand and seal. His lordship proposed that four additional members of the queen's council should be thus appointed in the bill, namely—George earl of Macclesfield, William lord bishop of London, Aleyn lord St. Helen's, Morton lord Henley, of Ireland.

The insertion of these names was agreed to. On the second clause,

Lord *Holland* observed, that the only reason which had been alleged for this clause, namely, the inconvenience that would result from the operation of the provision of the Regency act, was of that nature, that instead of showing the necessity for this partial measure, it went to prove the expediency of an entire revision of the Regency act. Upon the former occasions they were called upon to legislate with a view to the probable recovery of the king, in which view the

provisions of the Regency act were worded. If they were now to be called upon to alter those provisions, which could only be upon the ground of the probability of the king's recovery having ceased, and there being only the possibility remaining, it was not, he contended, in any respect satisfactory, that that alteration should be confined to the provision now in question. It was clearly the intention of parliament in enacting, that in the event of the demise of the queen, the parliament should immediately assemble, that the care of the king's person was a trust of that sacred and important nature, that such an event called for the immediate attention of the legislature. If, however, that trust had now become of a less important nature from the less probability of the king's recovery, and, therefore, it was thought by the framers of this bill that it would be inconvenient, under certain circumstances, that the attention of parliament should be called to it; at any rate this fact ought to be ascertained by previous inquiry, and then it might be a ground not for this partial measure, but for a general revision of the Regency act. The Windsor establishment, for instance, it would be of importance to revise. When this establishment was proposed, it was urged by those who supported it, that it was of the utmost importance in every view of feeling towards the unhappy situation of the king, that on his recovery his majesty might see the same faces around him, to which he had been accustomed previous to his malady. Now, however, when by bringing forward this measure, it was acknowledged that no probability of his majesty's recovery remained, it was surely of the greatest importance, considering the distress of the country, and the burthens that weighed upon the people, that some reduction should take place in the enormous expense of this establishment. Considering, therefore, that no reason had been urged for this clause, which did not operate still more forcibly for a more extensive revision of the Regency act, and that for that purpose the requisite previous inquiry had not been made, nor was any information afforded as to the actual state of the king, he should feel it his duty to oppose the clause.

The Earl of *Liverpool* denied that this measure was brought forward upon the ground of there being no probability of the king's recovery; on the contrary, he should regret to see any legislation take place, upon the ground of there being no such probability. Parliament, of course, must legislate with a view to the greater or less probability of recovery, and this was the case with regard to the act passed after the restrictions upon the regency had ceased, which went upon the ground of the less probability of his majesty's recovery. As to there being no information afforded respecting the state of the king, the fact was, that the quarterly reports from the queen's council to the privy council, gave every information that could be required respecting his majesty's state of health. With regard to the question as to the meeting of parliament in the event of the demise of the queen, every practical purpose would be answered by a clause, which his noble and learned friend intended to propose, for the purpose of limiting the period within which parliament should in that event be summoned to meet.

Earl *Grey* said, he might, perhaps, be accused of pertinacity, but he must state that he remained of the same opinion, that no necessity whatever had been shown for the enactment of this clause. The noble earl opposite had misunderstood the argument of his noble friend, in supposing that his noble friend wished to legislate upon the principle of there being no probability of the king's recovery. The argument of his noble friend was, that as by bringing in this bill, it was acknowledged by the framers of it, that there was a much less probability of the king's recovery, therefore that ought to be proved, and if proved, it ought to extend to a general revision of the Regency act, particularly with regard to the Windsor establishment, which, he must still contend, required considerable reduction. In answer to the argument of there being no information as to the probability of the king's recovery, the noble earl referred them to the bulletins of the physicians; but surely it was not meant to be contended, that this afforded any information as to that probability; the bulletins merely announcing the actual state of his majesty, without stating any thing as to there being any, and what, probability of his recovery. There was one point, with regard to a possible contingency, respecting the meeting of parliament after a dissolution, to which he wished to allude. In the event of the demise of the Crown, after the dissolution of parliament, and before the assembling of the new one, then, of course,

by the act of the demise, the king's writs ceased to be operative, and the old parliament must re-assemble; but, in the case of the demise of the Prince Regent during such an interval, the writs for the new elections being issued in the king's name, a doubt might arise, though the old parliament was directed to re-assemble immediately, how far the king's writs were vacated, and to prevent those disputes which might take place, from candidates insisting upon sheriffs proceeding with the new elections, it would be advisable to introduce some proviso to enact, that, in such an event, the king's writs for the new elections should cease to be operative.

The *Lord Chancellor*, with regard to the reports respecting the state of the king's health, observed, that the noble earl was mistaken in supposing that nothing but the bulletins of the physicians were referred to, as the queen's council, before making their quarterly reports, not only examined the physicians as to the actual state of the king, but with regard to any probability of his recovery. Those reports were regularly made to the privy council, as directed by the Regency act, and might be called for by parliament whenever it was deemed advisable. His lordship then proposed clauses, with a view to the possible event of the demise of the queen, after the day appointed for the meeting of a new parliament, previous to the day of the meeting, and on the day of the dissolution; their object was, that the new writs should be operative, and that the parliament should be summoned to meet within 60 days. His lordship added, that he intended to propose a clause to obviate the difficulty stated by the noble earl, with regard to the possible event of the demise of the Prince Regent, his opinion being, that the king's writ would not in that case be vacated.

The original clause respecting the meeting of parliament was agreed to, and the other amendments being made the House resumed.

Poor Laws Amendment Bill.] The Earl of *Hardwicke* moved the order of the day for the House resolving itself into a committee on the Poor Laws Amendment Bill. The noble earl prefaced his motion by a short and rapid review of the several clauses of the bill, which he submitted for their lordships approval.

The Marquis of *Lansdowne* commented on the spirit and principle of the bill, to which he strongly objected, and in particular he remarked upon the extreme impolicy of the clause, which enabled churchwardens to take the children of paupers from their parents, and consign them to the care of a workhouse. This was calculated, as he feared, to weaken those social feelings on which the very strength and consistency of society depended. If that clause were pressed farther, he should feel himself compelled to take the sense of the House upon it. He despaired of any effectual relief upon this subject, while the labouring classes were suffered to look to the public as a means of future support. The only effectual remedy for this was, to raise their wages to an amount calculated to support the labourer and his family, and from which some little saving might be made against sickness and age. The noble marquis also objected to the clause, enabling parish officers to take land and let it out again to paupers, thus establishing a system of farming. This clause he thought very objectionable; for if the land thus taken were waste and bad land, labour would be only thrown away in fruitless endeavours to turn it to advantage. If, on the other hand, the land were good, this system would only give relief to one class of persons, by turning another class out of employment. Labour, he contended, should be permitted to find its level; and if this were not admitted, he feared that wages would be reduced all over the kingdom to the lowest possible pittance. Within a few weeks he had, with alarm, heard, that this very practice had already commenced among the labourers at Birmingham, for their employers observed to them, "It matters not to you how low your wages may be reduced, because your parish will make up the difference."

The House then went into the committee, in which the clause for taking children from their parents, was, on the motion of the marquis of Lansdowne, rejected.

HOUSE OF COMMONS.

Monday, May 25.

Lead Mines Assessment Bill.] Mr. Morritt moved the second reading of this bill.

Mr. *Brougham* thought the session was too far advanced for the introduction of a measure that went to make so great a change upon the law as it at present stood relative to Lead Mines. The bill appeared

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to him to take a step in a wrong direction, and to extend the liability to the poor-rates, instead of narrowing it, as sound policy seemed to him to require. He wished the hon. mover would consent to postpone the subject to another session. He did not intend to argue the case upon its merits, as other gentlemen might probably differ from him on that subject, and therefore should not move that the bill be read a second time that day three months; but he begged leave again to suggest to the hon. member the propriety of postponement to another session.

Mr. *Morritt* contended, that the bill was only to prevent an evasion of the present laws. By a decision of the court of King's-bench it was determined, that though the owners of mines who received a share of the gross produce, were to be assessed to the poor-rates on that share, yet if they commuted it for a money-rent, they were not liable to be assessed at all. The bill was to remedy this inequality; and at any rate he thought, that either all mines should be subject to the rates, or all should be exempted.

Mr. *Davies Gilbert* hoped for the attention of the House, for a few minutes, on two grounds; the first was, his extensive acquaintance with the whole nature of these mines; and the second was, his having made up his mind to give, on this occasion, a vote which directly clashed with his own personal interest. His full conviction was, that the proprietors ought not to get rid of this assessment through a legal quibble. On the general principle of the poor-rates, he had, twelve years ago, pronounced his opinion, and had then almost stood alone in his view of their consequences. The experience of the years that had since intervened, had fortified him in his first impressions, and confirmed his belief that, unless the poor-rates could be arrested, they would absorb the whole surplus property of the country, and plunge both the payers and the objects of them into one general destruction. The steps taken on this subject by the hon. gentleman opposite (Mr. S. Bourne), had done a great deal of good, and would, he trusted, in the ensuing session, be followed up by more decisive steps than were thought at the outset advisable. But the case in the present question of the mines was simply this—it was the custom of the proprietors to reserve a twelfth, or a given amount, of the dues from the occupier, and to take it generally in ore: they were for the last forty years assessed for the poor-rates accordingly, and on the principle, that they brought into the parishes a large number of labourers, who, when the mines ceased to work, were uniformly thrown as a burden on the parish. Now, in some late instances, certain proprietors had contrived to make the reserved dues payable in money; and it was decided by the judges, that a rent of this kind was not assessable as the law stood. The object of the present bill was, to make all the proprietors, whether they received their dues in money or kind, alike rateable. The occupier was to pay, with power of deducting from his proprietor; and where the proprietor was an adventurer in working the mines, he was to be rated in the usual proportion of the reserved dues. So long as the one class of mines were called upon to pay, he could see no equitable reason for exempting the other.

Sir *C. Monck* opposed the bill, upon the ground that it would render the owners of lead-mines liable to the poor-rates, and not the adventurers or occupiers.

Lord *Lascelles* said, it was a mistake to suppose that the charge would fall upon the owners. There could be no danger of that, when the present leases expired. Great distress prevailed in the districts where those mines were situated; so much so, that the land was almost eat up by the poor-rates. The petitioners had merely stated their distress, which arose from the principle that was formerly acted upon, with respect to lead-mines, being withdrawn. He hoped, therefore, the House would interfere by some legislative measure.

Mr. *S. Bourne* said, the question was, whether this species of property should contribute any thing towards the poor-rates; for if the bill did not pass, those who had contributed for years would cease to do so. The best way would be, to put lead-mines on the same footing as coal-mines. To rate the owner would be a less inconvenience than to let such property escape altogether.

Sir *James Graham* expressed a wish that the bill should be withdrawn. When better understood, the country would be more ready to accept it. He should therefore propose, as an amendment, that it be read a second time that day six months.

The question being put, that the bill be now read a second time, the House divided: Ayes, 72; Noes, 54.

CHARITABLE FUNDS—MR. TROUTBACK'S LEGACIES.] Mr. *Brougham* rose to propose an address to the Crown for certain accounts. It appeared, that some years ago, an individual had bequeathed a sum, amounting to 120,000*l.* to charitable purposes. The will on the ground of some informality, was set aside; and the testator having no kindred, the property devolved to the Crown. His intention, in moving for an account of that property, was, to consider, whether that might not be a proper fund to meet the expense of the commission about to inquire into the grants for the education of the poor? He therefore moved, for "an Account of all sums of money received by the Crown under the Will of Samuel Troutback, esq. dated 21st July, 1780, and the application of the said sums."—Ordered.

PRIVILEGE OF PARLIAMENT—WITNESSES AND OFFICERS OF THE HOUSE.] The *Speaker* took the opportunity of adverting to an important question of privilege. It was a matter of notoriety, that, on a recent trial in the courts below, viz. the King *v.* Merceron, an examination had taken place of the short-hand writer of that House, relative to the practice of that House in its committees, and to what passed in them. The House would feel there could not be a more important duty than to protect its witnesses. But it would be impossible to afford them that protection, unless the House had some restraint on the manner in which either its proceedings or its witnesses were produced in evidence before the courts of law. All the instances that he had considered concurred in showing, that an application had either been made to the House of Commons, or to the Speaker, for the permission. In a former case, where the short-hand writer was examined, and that situation was then held by Mr. Gurney, the gentleman who held it at present, application was made to the Speaker, and a permission granted. It was an extenuation of the present irregularity, that, though the permission was given, Mr. Gurney was ignorant of the fact, and remained so up to the present time. He attended, therefore, in the present case, on the subpœna, under a belief, that he followed the same course as was adopted before. He thought the House should make some resolution on this question of its privileges.

Mr. *Bathurst* expressed his intention of submitting a motion on the subject tomorrow.

HOUSE OF LORDS.

Tuesday, May 26.

BANK RESTRICTION CONTINUANCE BILL.] The Earl of *Liverpool* rose to move the commitment of the Bank Restriction Continuance Bill. He said, he had already had several opportunities of stating the grounds on which he considered this measure necessary. He had, in particular, very recently had an opportunity for stating his views, when the noble earl opposite moved for a committee, to inquire into the state of a coin and paper-currency of the country. Having had those opportunities, it would not be necessary for him now to enter into detail on the present occasion: still, however, it might be desirable that he should give a short statement of the reasons on which he supported the bill, before he made the motion for going into the committee, and he would rely on the indulgence of their lordships, if it should be necessary for him to give any farther explanation in the course of the discussion. There was one consideration in which those who had hitherto supported this measure, as well as those who opposed it, had generally agreed—namely, that a question of great difficulty and delicacy would arise whenever it should be proposed to remove the restriction; and those whose objections had been the strongest to the measure were those who felt this delicacy the most. During the war, parliament had thought fit to adopt this measure for a limited period, which was renewed. It was finally determined that the return of peace should be the period fixed for the resumption of cash-payments by the Bank. This was, in his opinion, a period far from being eligible, because there was no instance of a change from war to peace, in which there was not a great revolution in the state of property. But if the difficulty arising from that would have been great at the conclusion of any war, how much more must it have been felt when the country had just come out of such a war as the last; which, with the exception of an interval of one year, had lasted twenty-two years, and in which the expenditure, especially during the two or three last years, had been carried to so uncommon an extent? Under such circumstances,

it was impossible not to foresee, that, on the restoration of peace, their lordships would be imperiously called upon to allow a period of repose, a breathing time to elapse, before the ordinary financial system could be returned to with safety. What he now stated had been the feeling of many persons who originally opposed the bill, and in that feeling he fully participated. At the same time he by no means regretted that the period of limitation had been fixed to the restoration of peace, because he thought it right that parliament should have had the earliest opportunity for considering the state of the currency, on the conclusion of the war. The subject came accordingly under the cognizance of parliament, and in 1814 an act was introduced to continue the restriction for one year, but the events which soon occurred rendered it unadvisable to allow the measure to expire. In 1816, after the conclusion of the peace of Paris, he had the honour of proposing to their lordships the continuation of the restriction. He then stated, that if he proposed the measure for two years rather than for one, it was because he thought parliament would prefer passing the bill for that time, with the probability of its being sufficient, than for one year, with the prospect of a renewal. The preamble of that bill stated the grounds on which it was proposed—namely, with the view of enabling the Bank to make preparation for the resumption of payments in cash. Two years had now nearly elapsed, and he had found himself imperiously impelled by his sense of duty to propose the renewal of the measure. He had done so with sincere regret, but with the fullest conviction that, when he stated the grounds of the proposal, it would meet their lordships' approbation. The bill had been introduced, as he had observed, in 1816, with the view of giving time to the Bank for preparation, and he had every reason to believe that the Bank had not neglected the opportunity which was thus afforded them. The greatest exertions, as great as their lordships could desire, in order to meet the event, had been made, and he considered the Bank perfectly prepared to pay in cash. Indeed, as far as regarded the Bank, the internal state of the nation, or the foreign relations of the country, no reason existed for continuing the restriction beyond the time which had been anticipated for its removal; but there did exist circumstances, not of a permanent nature, nor connected with the ordinary course of foreign or domestic policy of the country, which, in his opinion, made it the imperious duty of government, now to propose the farther continuance of the restriction, and in like manner the duty of parliament to agree to that measure. He had already said that those who originally opposed the measure had always regarded its removal as a matter of great difficulty, and he could not expect any persons to act more cautiously under the present circumstances than those who had thus anticipated that questions of great delicacy would arise. As little could he suppose that those who maintained an opinion in which he was far from concurring, that the circumstances of the country were so changed, that we never could return to cash payments, would wish the present act to be allowed to expire. On every view of the question, therefore, he had reason to look forward to the general concurrence of their lordships in the measure. He had already stated, that delay in the resumption of cash payments did not arise in want of preparation by the Bank, in any thing connected with our domestic situation or ordinary foreign relations; but it was matter of notoriety that there were depending in France, transactions of a financial nature, which must necessarily have a great influence on the circulation of this and every other country in Europe. Their lordships were aware, that a financial operation by the French government which took place last year, had produced a very unfavorable effect on our exchanges. That, however, would have been easily got over, had it not been connected with the prospect of other financial measures, which were in contemplation for the present year. Their lordships knew that the engagements into which France had entered were partly financial, partly political. Under these engagements an arrangement had lately been made between the French government and allied powers for payment of the contributions fixed in 1815, and the discharge of the claims of private individuals in foreign countries. The object the French government had in view by this arrangement was, to pay off the whole of the claims in the course of 3 years, instead of five, the time originally fixed—that is to say, to anticipate the payments of the 4th and 5th years. In consequence of the stipulations entered into under this arrangement, the govern-

ment of France would find it necessary to raise more than 30,000,000*l.* sterling within a very limited period. Now, when their lordships recollected the effect which had been produced on the exchanges last year, by a far more inconsiderable operation, what must they expect to be the consequence of so large a demand as this? That the raising such an amount would affect the currency not only of this country, but of every country in Europe, was, he thought, a proposition too clear to be disputed. It was the risk and danger arising from this that it became necessary to guard against; nor could he conceive any thing more to be deprecated than trying, at such a period, the experiment of resuming cash payments. It was certainly desirable that the exchanges should be favourable at the moment the Bank resumed payments in cash; and, though in an ordinary state of things it was not difficult to restore the exchanges to an advantageous state, it would not be advisable that the act should expire just at the moment when they happened to be unfavourable. But if the feeling existed that the resumption of cash payments would be improper at such a time, how much more strongly ought it to be felt when the unfavourable state of the exchanges did not arise out of any circumstances connected with the ordinary transactions of commerce, but out of a financial operation of the nature and magnitude of that to which he had referred? A noble marquis opposite had on a former occasion asserted that foreign loans never could form a ground for such a measure as the present; and had observed, that loans had been raised in Holland, without leading to any consequences materially affecting the circulation of that country. With what the noble marquis had stated on the subject of those loans, he was ready on general principles to agree; and if the present measure applied to ordinary circumstances, would give him the full benefit of his argument. But had the transaction he had described, growing out of an arrangement for the payment of military contributions to the powers which had occupied France, and claims of individuals on the government of that country, arising during a revolution of twenty-seven years, the nature and character of an ordinary loan? Could such an uncommon and extensive financial operation be compared to any loans ever made by foreign powers, either in London or Amsterdam? The question for their lordships to consider then was, whether, acquainted as they were with the existence of that operation, and with the effects it must have, or, he would say, might have, would they choose to pass the present bill, or expose the country to the risk which would arise from its rejection? Were the risk much less than he thought it was, he certainly, for one, would not be bold enough to allow the act to expire without submitting to their lordships a proposition for its renewal. He knew it had been stated that all his argument on this subject was fallacious. It was stated that the remittances occasioned by any loan made in this country would always be paid in goods. He would not enter into any argument on this point. The remittances would doubtless be made in the way most consistent with the interest of the individuals concerned. Goods would be exported when the exchanges were favourable; but it was only to a limited extent that this could be expected to take place under such extraordinary circumstances. It was certain that a great artificial drain could not be made on a country without its injurious influence being felt. It was therefore quite unnecessary to discuss this topic. It had also been asserted, that the difficulty experienced in the resumption of cash payments was owing to the great advances made by the Bank to the government. The same thing had been stated to have been the cause of the original suspension. He was aware that there were great authorities, who stated, that the advances made by the Bank to government were, in 1798, the cause of the restriction of cash payments being continued. To this, however, he could oppose authorities equally great; but, even supposing that the advances made by the Bank to government operated at that period, or that they might operate under circumstances disadvantageously, such was not the case now. The advances made by the Bank to the government were, at the present period, in a course of repayment, provision being made for that purpose in the finance of the year, and they would be shortly repaid, as far as the Bank wished or desired. The advances made to government had not, he was convinced, occasioned the first suspension; and he was equally confident that the present advances were not the cause of the continuance of the measure. But, if it were true that the Bank was in an unfavourable situation in that respect, that would be a reason for giving farther time,

and would afford an additional argument for the present bill. If any persons really thought that the whole difficulty lay in advances made to government by the Bank, they ought to support this bill, in order to give time to government to complete the measures adopted for reducing these advances. Upon the whole view of the case, therefore, he could not, consistently with the responsibility which attached to his station, consent to the return of cash payments at the present period by the Bank, and he had therefore felt it an imperative public duty to propose the present bill. His lordship concluded by moving that the House resolve itself into a committee upon the bill.

Lord *Grenville* expressed the greatest disappointment at the statement he had just heard from the noble earl. He said, he was one of those who had given entire credit to the grounds on which it had before been proposed to continue the Bank restriction for two years longer. He should be trespassing too much on their lordships time if he were to tread back the past history of that unfortunate transaction. Even at the commencement of the last war, he thought it a matter of great impolicy to acquire, not a facility of supplying the wants of the country, but to burthen it with a dreadful difficulty, to which its resources could not be equal but by the greatest sacrifices. Satisfied as he was then, and confirmed as he was now, that there never had been a more fatal measure than the commencing and continuing the suspension of cash-payments to which he alluded, he looked with the greatest anxiety to the time when we should be again free from that clog. He had always been far from thinking that the six months which had been promised, or that one year after the conclusion of the war, would be too short a period for the resumption of those payments. But if he felt or stated fewer objections, at the time the continuation of the restrictions for two years was proposed, it was because he confidently believed that parliament had given the country a sacred pledge, which nothing but the most urgent necessity, such as a general failure of the Bank at least, could tempt them to forego—a pledge which he deemed so inviolable, that nothing but insuperable difficulties could tempt them to renew the restriction; and he fondly clung to the hope that the day was at length positively fixed when the country would return to that system of circulation under which its credit was untainted, its capital unrestrained in its operation. This hope had now unhappily fled, destroyed as it was by the introduction of the present bill, which went to continue all the embarrassment and difficulty necessarily consequent upon the suspension of the proper circulation of the country, and this too upon the most illusory pretences. Let not their lordships be deceived by such pretences. Not only on account of the public, but on account of the Bank itself, it was high time that the truth should be known. It was not fitting to go on with what was called restriction and restraint, if that restraint was in truth no other than a boon and indulgence granted to the Bank of England, by which they were enabled to pay their creditors in a depreciated currency, in notes depreciated below the value of the sums of money represented. Let whatever pretences be urged in favour of this bill, to this truth they must come at last, and he repeated it, that it was an indulgence granted to the Bank of England to pay their creditors in notes depreciated five per cent (or thereabouts he believed) below the value of the sums they purported to represent.—That, in effect, was the privilege that was given the Bank; and when the noble earl talked of danger to the Bank, he should also have some consideration for the ends of distributive justice, and the dictates of common honesty, and consider what was due to creditors whose debts were paid in paper sunk five per cent below the value that it represented. Before the House passed a measure of that importance, it was necessary they should clearly know how the matter stood—whether it was an indulgence to the Bank proprietors, under the name of a restraint, or a measure affecting them against their wishes, and calculated for the public welfare alone. It imported their lordships to consider whether the measure was or was not agreeable to that body to which it related. Some doubt was thrown out upon this subject which, in his opinion, ought to be explained. It was no light matter to grant an indulgence to the Bank in the payment of their debts, as if it was to be considered a compulsion, not an indulgence; it was no light matter to compel them, against their own will, to pay in a depreciated currency. Whatever name was given to the transaction, it was admitted that it was not disagreeable to the Bank in the first instance, though doubts

were now thrown out, that that body did not any longer acquiesce in it. It was necessary, therefore, to inquire if in a great commercial nation like this there could exist any grounds for compelling the Bank to defeat the claims of its creditors. Parliament should have something more than the bare silent acquiescence of the Bank in such a measure as was now proposed. If they had thought proper to declare, with respect to any of of the great banking houses of the city, that in their opinion such establishments were likely to experience great difficulties, and therefore should be assisted by an indulgence of this nature, how would those houses have acted? If it were stated that the house of Hope, of Drummond, or of Child were likely to be distressed in attempting to pay their creditors, and that therefore it was expedient to pass a law enacting that they should be restrained from doing so, was there one of them that would not come forward and remonstrate not only as to the injustice of such a measure with respect to their creditors, but its oppression with regard to themselves? Would they not say, that to compel such injustice would be as repugnant to their own feelings and principles, as destructive to their credit, and ruinous to their interests? They would tell the parliament that it was only by their known ability to pay, and their acknowledged disposition to act fairly towards the public, that they were enabled to go on under all circumstances of difficulty, that by destroying their responsibility, they interfered with their credit, and affected the very essence of their stability and respect—the confidence of the people. Whether the Bank of England looked upon it as a restraint to which they were willing to submit, or as was sometimes insinuated, in which they were unwillingly but singularly acquiescent, in either case the great interest to which parliament was bound to look was that of the country, and looking to that he never could be induced to consent to such a measure, even for the shortest period, upon a ground so problematical and inconsiderable has had been urged by the noble earl. In former times they were told that the existence and safety of the country were at stake, and the suspension of cash payments was justified as a necessary provision against the most fatal consequences. It was then adopted for a short period; but since then it had been renewed at different periods, until now that it assumed an indefinite character, being defended in a manner which placed it beyond the power of any man to assign a probable limit to its operation. They were informed by the noble earl, that this was not the time to abandon the system. Why was it not the time?—because it would be attended with inconvenience! The House was, therefore, called upon to sanction a measure, on the ground of convenience alone, which could only be justified by imperious necessity. That necessity was not contended for, nor even alleged; nor was it in conformity with any speculative principle or theory of political economy that it depended. It was admitted upon all hands that the Bank should pay their notes in cash; but it was attempted to be inferred (for all the reasoning they had heard amounted to that, in fact) that on the slightest possible ground —on such a ground, for instance, as that France was about to make a grant, no one knew to what amount—the practice of cash payments should be interrupted, parliament should do away with the land marks of public credit, and blindly persevere in a system which had already brought the country to the verge of destruction, and which, if still adhered to, must lead it, not to the verge, but inevitably down the precipice. There was this evil attending the state of our circulation under its influence, that no class of society, from the highest to the lowest, could know what were their means, what their income, or their wages. It affected the greatest and the smallest in their several degrees, the landed proprietor, the mercantile speculator, and in short, all from the richest occupiers, down to the most miserable annuitants, and even through the gradations of mechanical and agricultural labour. Would they expose the population of England to such an evil as this, for the sake of carrying on some scheme of scientific visionaries, or political economists, even if such a scheme required it? But there was not even that excuse to countenance them. All men were agreed, whether practical or scientific, that a metallic currency was the only proper basis of circulation. With this principle admitted, they were now called upon to substitute paper in its place, knowing that paper must continually vary, not according to any process of nature, but at the will or caprice of one body, and according to their views of profit.

They were required to give to that body, not the state, but within the state, a power of this alarming magnitude, and to place at their absolute control the property of every man in the kingdom. Was this mere hearsay, or did they actually exercise the power as he had described it? They issued paper at one period until it was depreciated to the extent of 25 per cent below the currency it represented; so that no man received his rent without suffering a loss of 25 per cent or more. The grievance was then felt, the mockery of receiving only 75 per cent in payment of private debts, was felt; the mockery and cruelty, and gross injustice of exposing the public creditor to the same hardship in a transaction with the state itself was felt; but how was it encountered after all? Not by retracing the steps which were so taken, but by forcing a circulation, —by enacting a law, which made that depreciated currency a legal tender, imitating thereby the worst conduct of the worst government that had ever disgraced the country. It was thus they saw how little reliance could be placed on the wisdom and moderation of any body, vested with a power to issue paper currency at their own discretion, to be directed in that discretion by their own desire of gain, and not by the wants of the country. That such was the case was clear, from the fact that, in the face of all this depreciation, the issues of the Bank had doubled, if not trebled, in amount. In all this he meant no imputation on the Bank. The objects of a bank company were grossly misunderstood, when it was said that they were to consider the interests of the public. They were no other than the directors of a mercantile concern, who were bound to do as well as they could for themselves and that concern, and it was for parliament to see *ne quid detrimenti capiat respublica*. That was the duty of parliament alone, and it were much to be wished that parliament had performed that duty as well towards the public, as the Directors of the Bank had discharged their proper offices towards the proprietors, for whom they were interested. The gentlemen of Leadenhall-street, he might be permitted to say, would have grossly misunderstood their duty, if they considered that attention to the financial or political system of the country constituted any part of it. If, however, the fact was, that parliament declining its just privilege in this respect, had lodged it in the Bank, the history of the present transaction was one of the grossest breaches of trust that ever had disgraced the history of a nation, and had placed us in a situation of unparalleled difficulty and danger. He was not absurd enough to think that the immense expenditure of the war, and the misfortune of unproductive seasons, had not some effect in producing the distresses that were experienced, but giving them all the fair consideration to which they were entitled after making every allowance for the enormous expense of the last year of the war (120,000,000*l.*), for the distress and dearth that attended the first year of peace, for the extent to which the exchanges were affected, and all other operating causes, he was confident that the principal, the *sine quâ non*, cause of all our late calamities, arose from the extensive issue of bank paper, and the ruin consequent on the depreciation of that issue. To that more than to any other cause, must thousands in every rank of life, in the highest circles of commercial and agricultural enterprise, and the lowest sphere of laborious earnings, attribute the sufferings they had so grievously experienced. To that was to be ascribed the tears and wants of families reduced from comfort to dependence, and the distress, which embracing all orders from the highest to the lowest, had almost ground to destruction the middle classes of society. The principal cause of all this, he repeated, was the suspension of cash payments, the consequent over-issue of bank paper, and the depreciation consequent on that over-issue. When the circulation of this country was in a healthy state, it consisted of three elements, specie, the paper of the Bank of England, and the paper of private banks. It was an inevitable consequence that the over-issue of Bank paper should cause an over-issue of country paper; and it was in evidence before the committee that made inquiries on this subject, that whenever the Bank paper increased as one, the country paper increased as three. This increase was inevitable; for in removing from the Bank of England the necessity of paying in coin, private banks could not be excepted from the same exemption. When the Bank paper was become a legal tender, the country bankers could not be called on to pay in coin, because there was none to be had, but they paid in Bank of England paper, and if that had been confined within any limits, it would have been

some restraint on the increased circulation of the country banks. But the former having increased to an enormous amount, there was nothing that could affix any bounds to the circulation of paper money, and the ruinous extension of credit. Out of this arose also the enormous losses sustained in consequence of forgery, which, though not so great on the country banks, had caused an unprecedented amount of loss and crime in the case of the Bank of England. The forgeries, indeed, on the Bank of England, had increased to a frightful degree; and even if the bill before the House could produce a hundredfold more benefit than the noble earl anticipated from it, if the actual dangers were a hundred times greater than he apprehended, those benefits and those dangers would be light and trivial, compared with the horrid spectacle every day before their eyes, originating in a compulsory paper circulation, which entrapped not hundreds but thousands, into the commission of crime. It was the duty of a wise legislature not merely to punish, but to prevent the commission of crimes; and, therefore, on this consideration alone, the resumption of cash payments was of paramount importance. Besides this, the Bank paper having led to an inundation of country paper, that had happened, which happened in all countries where paper was made a legal tender—the prices of all commodities were raised, the value of all property was disturbed, and speculation was carried to an inordinate height. These had been the consequences of the Mississippi scheme, of the South Sea bubble, of the plantation paper money, and of the French assignats. The Bank continued its issues till the country bankers failed on all sides for sums in which they never could have been debtors except through the medium of that paper currency that was forced on the country: they had failed in this manner to the ruin of the poor and industrious, of the great commercial speculator, and of the agriculture of the country: all of these had been unable to meet the demand for making good their engagements, through the convulsion attending the banking system. The next step was that which could not be wondered at. Other country bankers were obliged to control their issues and narrow their accommodation; they were obliged to call in payments, for which the demand came wholly unexpected; and unavoidable failures ensued. At this time the Bank called in its paper, thereby reducing the amount of country paper, and causing calamities which no other country could have endured without entire destruction. This was the state of things produced by the system he had described, and after which, as the noble earl had informed the House (a melancholy truth indeed), the Bank might have safely resumed payment in the course of last year. If there were any who felt like him (lord Grenville), how must they be disappointed at being told, that the very level of exchanges, so much required by the other side of the House, did then exist; and there was no circumstance of deeper regret than that the Bank did not avail itself of that crisis; he said the Bank, because, though it was incumbent on the government to provide for the necessities of the country, yet, for two years, the government had abdicated that power, and in the very preamble of the former bill, said, that they gave the Bank those two years to take such measures as they might deem advisable for the public advantage to prepare for the resumption of payments in specie. But were their lordships in the result satisfied with the exercise of that discretion? They would surely look back with more satisfaction on what they had done, if in the first instance they had called upon the Bank for a candid statement of their affairs, and extended the period of respite according to the appearance of those affairs, reserving to themselves the right of judging as to the time. Had that been done, the opportunity would have been seized, and payments, ere this, resumed. It was indeed greatly to be regretted, now their lordships were again called on to renew this pernicious system, that they were not allowed to examine what measures the Bank had taken to ensure the resumption of payments; because, if he were to trust to mere report, the Bank intended, instead of preparing for payment, to throw such difficulties in the way of government as to deter it from proposing any such measure. Now if the Bank wished to create any such difficulties, they could not do it better than by creating a difference between gold and paper, making gold dearer and paper cheaper; nor could they adopt more effectual means for this latter purpose than by drawing from the limited circulation of the continent from 25 to 30 per cent of that circulation. If you draw from any market a commodity to the amount of one-fourth of its quantity, that commo-

dity must become immediately dearer, and this was what had actually happened. Again—persons who were really desirous of resuming payment, would take care that their paper should increase in value: and how would they do that? By contracting their circulation. The Bank knew very well that by an excessive issue they had depreciated the value of their paper; they knew, therefore, that by limiting the issue they might again, in some measure, restore its value. Instead of this, they had actually increased their issues two millions sterling. He did not ask the Bank to confess their error of 1811, but he did ask them, when they had seen that an issue of 29 millions had decreased the value of their notes, whether they were not aware that the means to increase their value was not to reduce the circulation. He thought it not too much to expect that they should beware of increasing the issue, if they wished to raise the price of their paper, after having already experienced the effects of the contrary system. Parliament must come to one of two conclusions on this review of their conduct, either that they had granted a discretion by the act to persons who were unfit to exercise it, or that those persons knew the increase of issue must depreciate what it was their duty to advance. The error would be more striking if their lordships called to mind the state of the other paper circulation of the country. It was notorious, that while the Bank had been thus increasing its issues, it had been doing so at a time when the country banks were beginning to revive from the distress they had so deeply experienced. The circumstances to which he had adverted greatly increased his repugnance to commit any thing farther to the Bank of England, without the utmost nicety of inquiry. It was the duty of parliament to consider whether there were any circumstances which required the renewal of this measure, and if so, to probe them to the bottom. Formerly, grounds were stated of the most important and extensive nature, and calculated, if not to convince the reason, at least to astound the imagination. They were informed that it was necessary in order to support the war, and in order to put down the enormous power of France; but though such arguments were often advanced, it would be difficult to prove their connexion with the act they were intended to justify. This country had often triumphed over great and trying difficulties; the evils of the present day were always in appearance the greatest; but whatever the extent of those evils, a more desperate measure of relief could not be devised than that which went to banish the money circulation of the country. Their lordships should recollect that this was not a concern of the Bank, but of the nation; every man in the country, from the highest to the lowest, was more deeply interested in it than in any other question that had of late years come before parliament. He was well convinced that one of the greatest difficulties with which this kingdom had to encounter in its late contest with France, was occasioned by the measure of Bank restriction, which had produced that disastrous state of the circulation so frequently admitted and lamented; and had it pleased Providence to continue the war but a single year longer, he apprehended that the country must have sunk under the yoke of the enemy—not that it had not physical force to resist him, but in consequence of its crippled resources and depreciated currency. The pretence now urged for a farther suspension had never before been heard of, because foreign princes were raising loans in their own countries, the renewal of cash-payments in this was to be farther suspended! He denied that the late loan in France of fifteen millions had produced the effect attributed to it by the noble earl: neither the raising of that sum, nor indeed of any sum in the present year, could have had the effect of altering the exchanges, or of raising the price of gold, at least to the extent asserted; for it was notorious and obvious to the most superficial, that where payments were to be made by one country to another, they were made in that commodity which it best suited the interest of the country paying to send. This point required no argument, since experience proved that the payments from this country had been made in cloth or other manufactures, or in the produce of her colonies. The proportion paid in gold was exceedingly small, and could have no effect on the coin required for circulation. Under all the evils arising from this protracted system, he had hoped that parliament would now have stepped forward to compel the Bank to do that which was absolutely necessary to a wholesome state of circulation: if it had done so at an earlier period, the remittances from this country would not have been made at all

in gold, which now gave a profit of 5 per cent above other articles, but in articles of trade and commerce that would have added to the wealth instead of draining and impoverishing the nation. Another mistake out of doors, but too gross for the noble earl to fall into it, was, the supposition that the loan to France was in specie, and not in the circulating medium; yet, though the noble earl had not actually fallen into that error, his argument seemed to indicate that he had had it in view; although the moment the mistake was proved to be so, the argument built upon it of course fell to the ground. If cash-payments were not to be resumed, if the bill now before the House was only the prelude to others, if gold was not to be the chief circulation in 1819, but the paper system was to be continued in 1820 and 1821, and so on indefinitely, he entreated the House to consider what it was in fact doing by these repeated acts of restriction: every landlord would feel the effects of it in his rents, every merchant in his remittances, and every tradesman in his receipts; every man who had money in the funds, and who went to obtain his dividend, would annually be paid by the Bank 5 per cent less than was his real due. It was but a short time ago that the burthened subjects of the kingdom were relieved from the income tax; that was a national impost, and while it was necessary it was paid cheerfully; but would the country submit in future to pay five per cent, not as an income tax, but in a different form: not to the state, but to the Bank? Such was, in truth, the effect of measures like that before the House: it gave to the Bank the power, as it were, of putting a pump into the estate of every man, and pumping out just as much of it as was thought convenient. Now it was at the rate of 5 per cent, but if the issues of the Bank were augmented, in a short time it might be 10 per cent, or even more: the profits of the Bank, and the losses of the people, were equally unlimited by any provision the legislature had yet adopted. This was a state of things not to be endured. Though he was willing and happy to live under the dominion of the king and of the parliament, he could not consent by this noxious law to be placed under the control of the Bank of England. It was worthy of remark also, that as the measure was now framed, and as it had existed since 1797, even if the Directors should themselves wish (a supposition certainly not very probable) to put an end to this injurious system, they had not the power to do so: there was besides no clause to prevent an excessive issue of paper, which might soon involve the labouring and industrious classes in the same ruin and distress they had experienced about two years ago. He had thus endeavoured to show the consequences of perseverance in this paper currency: on the one hand, he could discover no benefit that would arise from it; and, on the other, he saw nothing but mischief and ultimate destruction to the finances of the country. The evils were so many, that he could not enumerate them, and so great, that his majesty's ministers did not dare to look them in the face.

The Earl of *Harrowby* said, he would not attempt to follow his noble friend through all the details into which he had entered. During the greatest part of the speech of his noble friend, in which he went into a history of the paper circulation of this country, he had done nothing more than beg the question with respect to every one of the inconveniencies which he alleged to have arisen out of the state of that circulation. In the first place, his noble friend had asserted that the act of restriction of 1797 was one of the most fatal measures that had ever been adopted by the legislature: he had founded a great part of his argument upon this point, which he had taken for granted, forgetting that the matter had frequently come under discussion in the House, and that it had been decided over and over again to be a measure that it was not only right to adopt in 1797, but that ought to be followed at the present day. He (lord Harrowby) was one of a great majority who held, that without the Bank restriction this country could never have attained the eminence it had acquired; without it, it never could have reached that height of mercantile prosperity which had made it the envy of the world; nor could it have effectually resisted the attempts of the great despoiler of nations. By means of that measure we were first enabled to defend ourselves till a favourable moment, when we were at last enabled to bring together a mass of force, which completely overpowered him. Although the proposition in 1797 was received with some astonishment, not to say dismay, it soon abated; and, after experience convinced even those who had been most alarmed, that without its aid Great Britain could

not have maintained her rank among nations for a single year. Another point which the noble baron had taken for granted was, that the bill now before the House was introduced at the instance, if not at the solicitation, of the Bank, who were anxious to pay all their debts in depreciated paper, the contrary was the fact; the Bank had interfered in no way regarding it, and although the monied part of the nation were united in their opinion as to its necessity, yet the Bank directors had made no representations to ministers upon the subject. Of course he did not mean to say that they at all objected to a measure that would be for the benefit of those whom they represented; but they had taken no part in the affair, and had naturally shown some reluctance to stand forward to be subjected to the calumnies, not to call it abuse, to which now they were daily subjected. It was not his business to pronounce a panegyric upon the Directors, but he would take this opportunity of stating, that their views were liberal and disinterested, and that although they had the interests of the proprietors in view, they had the interests of their country at heart. His lordship then entered into a detail of some dates and figures, in order to show that his noble friend had been mistaken and misrepresented by the noble baron. He insisted that, coupling the amount of the issue of paper now, with the amount of gold in circulation in 1797, according to the statements of the late earl of Liverpool, there was no reason for asserting that the quantity of paper now forming a part of the circulating medium was excessive: and with regard to the advance in price of various commodities, it was not fair to contend that it was owing merely to the Bank restriction, when so many concurrent and adequate causes might be shown, and among them the great increase in the amount of taxation. The noble baron had complained, that neither in the bill of 1797, nor in any subsequent enactments, had any provision been introduced to limit the amount of bank notes in circulation; but surely public opinion, and the control of parliament, if called for, were sufficient for that purpose; and by those the circulation was not only more effectually, but more beneficially limited than by the interposition of legislative authority. His noble friend had alleged that the measure of restriction gave the Bank an unlimited control over the fortunes of every man in the country; and he had contended that it was now continued in defiance of the general sense of the country. It was not correct to assert that the Restriction bill was against public opinion; a few able speeches might have been pronounced in parliament, a few learned pamphlets might have been published, but those speeches and those pamphlets were not public opinion: they were the opinions of a few individuals, but they were far from being the sense of the great body of the nation. To those who urged that cash-payments should be immediately resumed, he would observe, that the inconveniences of delay were much less than the inconveniences that might result from a sudden and violent change: the precise moment must be chosen, and that was a matter of no slight difficulty or danger. If at too early a date an artificial circulation were abandoned, the consequence might be, that it would be found necessary to return to it, and the consequences of such a proceeding must be highly injurious. So far from there being a general feeling among the monied part of the community against the measure, he believed there was much more an apprehension among them lest the Bank might be called on to pay in cash six months too soon, rather than six months too late. In the mean time, notwithstanding what had been thrown out, there could be no doubt of the solvency of the Bank, even to four times the amount of its issues. The constitution itself was not more firm and stable than the credit of the Bank of England. The measure of restriction did not affect the credit of the Bank, though no private banker's credit could bear such a measure; for the restriction itself would be considered decisive of his insolvency. The noble earl then went into an examination of the prices of gold, the exchanges, and the issues of the Bank during the years 1814, 15, 16, and 17, for the purpose of showing that the price of gold did not necessarily depend on the issues of the Bank, as during the greatest amount of issues, the price of gold had been lower than while the issues were less. With respect to the increase of forgeries alleged to have taken place since the restrictions, that he, believed, had been very much exaggerated. During the last fifteen years, the average number of executions for forgery had not exceeded 13 a year. When their lordships considered that the crime of coining could not be carried on to so great an extent

since the restriction, as if that measure had not taken place, that number could not be considered high. Taking the number executed for coining and forgery before the restriction, and the number since, the balance against the latter period would not be so great as was generally supposed. And then this balance ought not to be laid entirely to the charge of the restriction; because every other crime had increased in the same time, some three-fold, four-fold, five-fold, and some even six-fold. It was, therefore, incorrect to say that human misery had been increased by the restriction of cash-payments. At the same time, the Bank had done every thing in its power to prepare for the resumption of cash-payments; and did, *bona fide*, intend to open cash-payments at the period when the bill expired; but it was necessary, for reasons in which the Bank had no interest, to continue the restrictions for a farther period. A foreign loan of an ordinary amount and in ordinary circumstances would not justify the measure; but never before was there an instance of such a loan as France required at the present period. France had first required a loan of 15 millions, and then another loan of 30 millions. It had been argued, that if gold should be by the operation of the loan carried out of the country, it would increase the ability of the country which might receive it to purchase our manufactures. But by draining this country of its gold, it would increase the price of our manufactures, and thus the ability of other countries, instead of being increased, would be diminished. Besides, in commercial transactions with foreign countries, long credit was required, and the immediate pressure could not therefore be relieved by the distant return of trade. With respect to France in particular, the commercial laws of the two countries were such as to prevent any return to this country for commodities exported. It had been asked whether any evil could be specified such as was now apprehended. But how had 30 or 40 millions of the current gold of the country already disappeared? He had been informed by some of the Bank directors, that, in 1814, 6,000,000*l.* of English gold had been melted down at the mint in Paris. The supporters of the bill were asked, when would the proper time come for resuming cash-payments? The only proper moment, in his individual opinion, to remove the restrictions would be, when no person in the country could perceive they were removed, and when things would slide naturally into their old train. The water should be level on both sides when the flood-gate was opened, otherwise it would rush with such violence as to shut the gate again. He thought the dangers of recurring to cash-payments, at the present critical moment, much greater than any attendant on a continuance in a system under which the country had flourished so long, and he would therefore support the motion.

The Marquis of *Lansdowne* said, he would not, at that late hour, and after such long speeches, enter at length into the question; but he could not altogether allow this opportunity for the discussion of this great financial measure to pass by, without protesting both against the measure itself, and against the unaccountable principles on which it was supported. The noble earl, in replying to the speech of his noble friend, had stated that his noble friend, in touching on a great variety of topics, connected with the past and present history of this measure, had proceeded, begging the question, as to all the inconveniencies arising out of the measure. But the noble earl, who made this charge, begged the question himself, with respect to the advantages which he attributed to the measure. He attributed to it the enabling of the government of this country to carry on the war, leaving out of the question the enormous increase of debt, arising from the great increase of prices occasioned by the measure. This measure, by the facility of obtaining credit which it occasioned, doubled and trebled prices, increased the expenditure of government in the same proportion, and was consequently the source of all the accumulated weight and pressure with which the country had already contended, and with which it had still to contend. In attributing to this measure our commercial activity during the war, the noble earl forgot to attribute to it the commercial and agricultural distress which this system, and this system alone, brought upon the country. The whole commerce, the whole agriculture, the whole energy and industry of the country, felt the weight of the evil of that system which it was now proposed to continue. With respect to the narrow ground assigned by the noble earl at the head of the Treasury for this measure—the French loan—he had not only been assured, that the whole of the

loan would not be paid in gold, but that no great part of it would be remitted from this country. He could state, from the highest authority, namely, those concerned in the former French loan, that of that loan a very small part actually came out of this country; and that though British credit was necessary to enable the French government, in the first instance, to raise the loan, yet that those who interposed that credit, applied it to draw out of France itself, and other countries of continental Europe, by far the greateat part of the loan. But supposing that loan to proceed entirely out of this country, was it therefore to be made entirely in the precious metals? As well might it be argued, that if a contract was entered into to supply an army abroad with bread or with arms, it would be necessary to export the flour of which the bread, or the iron of which the arms, should be made. The contractor would do that or not, according as it might be to his advantage. The noble earl had said, that the export of manufactured goods towards the loan had its limits, and could only be carried on within those limits. But if the consumption and demand for manufactures had limits, and the exportation of manufactured goods could only, therefore, be carried on to a certain extent, in like manner the exportation of the precious metals could only be carried on to a certain extent. The exportation of the one as well as the other must be limited by the demand; and when things were left open, the one would serve to correct the other. If all the transactions of all the states of Europe were investigated, they would only confirm this principle. The noble earl had called on his noble friend to look at the prices of gold, compared with the issues of the Bank, from which he had argued, that there was no certain and definite relation between the issues of the Bank, and the prices of the precious metals. He had instanced the periods of 1814 and 1816 by way of proving this. He had taken a period when it was notorious to all the world, from the bankruptcies in the Gazette, that the issues of the country bankers were very much diminished, and when the increased issues of the Bank of England bore no proportion to the diminution of country bank paper. It was perhaps not going too far to assert, that the country bank paper, withdrawn from circulation, amounted to one-half of the former country bank circulation. The country bank paper constituted a much greater proportion in ordinary times of the circulation of the country than the paper of the Bank of England. At no period had the price of gold continued for any time to decrease. In 1785 it had fallen, but it was for a short time, in consequence of a quantity of gold bought in Portugal. The inconveniencies which the country had already felt from the present system, were nothing in extent to what it would yet feel. The system would go on—there would always be some reason for continuing the restrictions. Now it was a French loan—next time it would be some other pretext; but there would never be any want of a reason for persevering in this dangerous course. The system gave the Bank a right to control and over-awe the properties and fortunes of the whole people of this country. According to the noble earl, there was a sufficient corrective of any over-issues on the part of the Bank in public opinion; but he had no great faith in the efficacy of this corrective in the case of this corporation, when he saw how they had already increased their issues. They had increased them from ten millions in 1797, to 29 millions at the close of 1817. Was it to that operation of public opinion on the Bank, which had hitherto been so ineffectual, that their lordships would trust the finances and fortunes of the country? more especially when it was seen that the Bank, at a time when it at least ought to have expected the removal of the restrictions, and when it ought to have been more under the influence of that expectation than ever, had, notwithstanding, increased its issues (from 1816 to 1817) no less than three millions. Let not their lordships, therefore, be told, that public opinion was an adequate corrective. The noble earl had said, that the amount of executions for forgery had not materially increased of late years; but he had omitted to state, that the prosecutions for forgery had gone on increasing in such a ratio, that ministers themselves took the alarm, and did not venture to shock the feelings of the country by continuing the former proportion between convictions and executions. Prosecutions too had increased to such an extent, as to alarm the country, and to alarm the government so much, that the Bank had not resolution to prosecute in all cases to conviction. The measure had the effect of giving the Bank a power over the lives of the

people of this country, whom its paper stimulated to crime. The discretionary power in these cases of forgery, was not with the officers of the Crown, but with the Bank solicitor; who had the right to determine whether any prosecution should be for the major or for the minor offence. The noble earl had stated, and it had been stated elsewhere, that the Bank never expressed a wish to have the restrictions continued. He could only say, that when a demand was made by some Bank proprietors, that the Directors should call a meeting to petition parliament against the continuance of the restrictions, as a measure injurious to the interests of the country, the Directors had refused to do so. When it was seen how much the Bank had profited by the restrictions, their lordships might reasonably infer, that that which was so profitable, could not be disagreeable to them. The noble marquis concluded with observing, that he could not help feeling, with his noble friend, that there were no good grounds for continuing the restrictions, and that it was his firm belief, reasons of the same nature would, from time to time, be advanced for continuing the measure. He was therefore compelled to vote against the motion, though he might probably have agreed to the bill, had it pledged the Bank to recur to cash payments within six weeks after the next meeting of parliament.

Earl *Bathurst* said, he should not trespass long upon their lordships attention. He would not at present stop to inquire whether the declarations attributed to the Bank, of a wish to resume cash payments, were true or not. The only declaration made, he believed, by the Bank, was, that if parliament should judge it right and fit, they were prepared to resume their payments. They did not, as he knew, express any wish to that purpose. But, it was not the wishes of the Bank, even admitting that they had expressed them, that ought to weigh with their lordships in considering this question, which ought to be decided alone by what the interests of the country demanded. The noble marquis had stated a fact which was new to him—that some Bank proprietors had applied to the Bank directors to call a meeting, for the purpose of petitioning against the restrictions. But the Bank directors, in refusing to call any such meeting, had acted very wisely; for he could not see what the Bank had to do with this question. If any of the Bank proprietors were dissatisfied with the measure, it was open to them to express their opinion and their wishes on the subject, in common with the other subjects of his majesty; and without the concurrence of the Directors. As the decision of the question ought to be governed by the interests of the country, and not by those of the Bank, the Bank directors did only their duty, when they refused to call a meeting. The motives assigned for a continuance of the restriction at present, seemed to him to be misunderstood by the noble lords opposite. The grounds upon which the measure was placed were, that the course of exchange being at the present period unfavourable, and a large loan having been negociated in France which must occasion remittances to that country, it would be unwise, under such circumstances, to resume cash payments. If resumed, the consequence would be, that the gold issued by the Bank would be immediately exported. When the exchanges were against this country, the precious metals would be exported; for the same reason that when the exchanges were in favour of this country manufactures would be exported; and that precious metal would be exported which was lowest in this country—if gold was lower than silver, gold would be exported, and if silver was lowest, silver would be exported. This was not a mere matter of speculation. It was already proved by facts. Three or four millions of specie had been lately thrown into circulation, the whole of which was exported in consequence of the unfavourable state of exchange. This situation of the exchange had been attributed to the depreciation of Bank-notes, arising from an excess of circulation, but this argument was not supported by the facts. There was an account upon the table of the number of notes in circulation during the years 1815, 1816, and 1817. Now a person might expect that in proportion as Bank-notes were diminished, the exchange would have improved during these three years, but such was not the case. The average amount of Bank-notes in circulation during the years 1815 and 1816, was 20,500,000*l.* or 20,800,000*l.* In 1815, however, the course of exchange was unfavourable, and very favourable in the following year, 1816. The circulation of Bank-notes increased by 2,000,000*l.* in 1817. The course of exchange was not so favourable as in 1816, but it was more favourable than in 1815, when the quan-

tity of notes was much less. If the Bank were now to resume cash payments and issue gold, it must diminish its issue of paper in proportion. The consequence would be, that the gold would be taken out of the country and the paper circulation contracted at the same time. Such a state of things could not but produce the most serious injury to commerce. He should not delay their lordships longer, but give his support to the measure, from a conviction that the opposite line of policy would be attended with the greatest inconveniences.

The Earl of *Lauderdale* said, that the noble president of the council had not only stated that it was at present expedient to continue the restriction, but he had supported his opinion by arguments, which, if he believed in them, ought to induce him for ever to oppose a recurrence to payments in cash. How could the noble earl, who believed our commercial prosperity was owing to the restrictions, seriously wish to put an end to the restrictions in July 1819? The noble earl at the head of the Treasury, as well as the noble president of the council, had told them that the Bank had exerted themselves in making the necessary preparations to enable them to pay in cash. But what were the symptoms of these preparations? When the Bank conducted their affairs on the sound principles of banking, the moment the market price of gold rose above the Mint price, was the signal for them to diminish their issues; and they called on government to repay to them any advances made to the public, that they might be enabled to diminish these issues. If the Bank acted on these principles in the times of their sound state, how could he believe they were seriously preparing to make cash payments, when instead of diminishing their issues he saw them increasing them to between two and three millions? It had been said they had been amassing gold; but all inquiry into their transactions was refused the public; and this assertion therefore rested on their unsatisfactory evidence. What did the Bank do in 1797, when it was persuaded that cash payments would be resumed next session? The Bank was then seen not only amassing gold, but forcing government to pay up the seven millions of advances. In October, 1797, the advances of the Bank were reduced to four millions; while, from a paper on the table, it appeared its present advances to the public amounted to no less a sum than twelve millions five hundred thousand pounds. How then could he think that the Bank of England had been making serious preparations to return to cash payments, when he not only saw an advance of 12,500,000*l.* unpaid, but, by an act passed this session for raising thirty millions of exchequer bills, a power given to the Bank to advance twenty millions of that sum? So that now, notwithstanding the advances were so much higher than when the restrictions were first proposed, the Bank was seen advancing twenty millions more, and that at a time when it was said to be preparing to resume cash payments!—It had been said, that there had been no argument to prove that paper had been depreciated. There was no argument to prove this, because it was perfectly unnecessary. If it was the high price of gold, and not the depreciation of paper which was the cause of those appearances, how did it happen that gold had been in this country higher by 30 per cent than on the continent? How did it happen that, when the number of country banks was diminished from 870 to 620, and the amount of their issues had prodigiously decreased, gold fell nearly to the Mint price? That the reduction of those issues should increase the value of paper he could conceive, but how could it lower the value of gold? He contended, if a metallic currency existed in a country, it was impossible that it should be stripped of its gold. The gold might be taken abroad, but as this operation would tend to reduce the prices of commodities, so it would tend to increase the exports, to turn the course of exchange in our favour, and thus to bring back gold and restore the equilibrium. It was absurd to suppose, when the Bank had been allowed to make advances to government, that there could have been a serious intention to resume cash payments. The loans to be negociated in France were a pretext which might also be made the same use of, in the next as in the present year. The French minister might probably reserve a part of his loan to be negociated in 1819, as the *rentes* were to be disposed of at his discretion, and the ministers would then have either to declare that all their theories respecting foreign loans were unfounded, or to propose a continuation of the restriction. His belief was, that the Bank had at one time been urged by the government to extend its issues. The House could

not avoid passing a bill to add a certain number of months to the restriction, on account of the situation in which the Bank had been placed by the government, but he should, in the committee, propose a clause to limit the restriction to six weeks after the next meeting of parliament; also a clause to compel the Bank to reduce their advances to government to the amount at which they were in 1797, when they declared themselves ready to resume cash payments. He should also propose an alteration in the Mint regulations, without which, cash payments would be impracticable, and a proviso that the restriction should be continued till the provisions of the 56th Geo. 3rd were complied with.

Lord *King* said, that if the bill now passed, there would not be wanting arguments to prolong the restriction *ad infinitum*. No foundation had been laid for the measure but the *ipse dixits* of noble earls, as to the operation of a French loan. If a loan to be contracted in a foreign country, at the discretion of persons abroad, was to be made a reason for this law, when might we be free from the restriction. But he wished to ask whether it was so self-evident a fact that a foreign loan would endanger the Bank, if cash payments were resumed? Was it so manifest, that it was to be admitted on the first statement, without examination of evidence? It was his intention, if the bill should go into a committee, to propose a clause, prohibiting the Bank directors from making any dividend of profits, while the market price of gold was above the Mint price. The price of gold had been the rule by which the Bank had formerly been guided in their issues. That was abandoned. They then regulated their issues by the demand for discounts, but that also had been abandoned, and no rule now existed by which they regulated themselves. It was his wish to bring them back to the first rule he had mentioned. With respect to forgeries, he could inform their lordships, that during the 14 years previous to the restriction, there had been no more than six prosecutions for forgery, whereas during the 14 years subsequent to the adoption of that measure, there had been no less than 860, out of which there had been 72 convictions. The difference between the number of persons convicted of the lesser and capital parts of the offence showed that there was a discretion vested either in the Bank or in their solicitor as to capital prosecutions, which ought to rest with the Crown only.

The Earl of *Liverpool* did not feel it necessary to go at length into the merits of the question. He said, that the continuance of the restriction was not an indulgence claimed by the Bank. Though at the return of peace they had stated the necessity to him for preparation, they had long ago declared that they were in a state of readiness. He contended that the act by which every other association of more than six persons for the purposes of Banking was forbidden in England, made the Bank a peculiar object of the attention of the government, and put it on a footing quite different from that of any other banking company. It had been represented by some noble lords, that they were receiving their rents and dividends in a depreciated currency, as if this was a hardship inflicted on them by the Bank. He could take upon him to say, that the feeling in the country was much more strong in favour of a continuance of this (as it was called) depreciated currency, and of the Bank restriction, than against it. He was himself sincerely desirous of putting a speedy end to the restriction, and he therefore had frequently to combat the feeling he alluded to. He believed that the affairs of the Bank had not been well managed in 1797, and that by that mismanagement the restriction was produced. But he was also convinced, that without the restriction we could not have made such immense efforts in the war. He was convinced, too, that the restriction had not checked commerce or agriculture—the revival of commerce and of agriculture proved this. But, nevertheless, he was anxious to put an end to the restriction, and for this reason,—the tendency of an inconvertible paper currency was to create fictitious wealth, bubbles which, by their bursting, produced inconvenience. Though we had hitherto escaped this danger, we were never secure against it, and had no solid ground to stand on, till the paper was capable of being changed for money at command. He alluded to the change which had taken place in the opinions of the advocates of the bullion committee. In that report it was contended that all the effects visible in the price of gold, &c. were produced by the issues of the Bank of England only. This opinion was now *per force* abandoned. Indeed it would have been hard to explain—the prosperity of 1813

and 14, the check and distress of 1815 and 16—the revival of prosperity in 1817, and all the vicissitudes of gold prices and exchanges, all arising from the issues of the Bank, yet those issues remaining the same, or with an increase only of two millions on thirty. Now, the issues of country bankers were taken into account, but though he thought it an evil that every man who could obtain credit should set up for a banker, yet he did not think that their issues had been, in fact, excessive. The private bank paper had never amounted to more than 22 millions, making with the Bank of England paper 44 millions, which he was persuaded did not much exceed the whole circulation of the country, before the war, when the revenue was only 15 millions instead of 50 or 60; the commerce one-half; the agriculture two-thirds of its present amount. He ought to observe, that the noble lord, who stated that the time at which cash payments ought to be, and might safely be made, had gone by, admitted by the very fact, that the present was not a proper time for carrying such a measure into effect. With respect to the frequency of forgery, he would only say, that he lamented the increase of that crime as much as any man, and that he felt it was the duty of the government, and of any great body like the Bank, to use every means in their power to check the evil. But, when it was said that this evil was greatly increased by the adoption of a system of paper currency, they ought to take into consideration the evils that would attend any other system. They should look to the great extent to which coining would be carried, if they had recourse to a metallic currency—and he believed it would be found, that very little difference in numbers could be discovered, in two corresponding periods, between persons convicted of coining and of forging Bank notes. The noble lord concluded, by observing, that there had not been a single argument used against the bill, which on examination could be strictly applied to its rejection under existing circumstances. It was because he wished the restrictions to be put an end to, that he was desirous to have cash payments resumed at a time favourable to such an operation, and when it might be likely that it would be well received by the country.

Lord *Grenville* wished to set the noble earl right as to the report of the bullion committee. In that document which formed an era in the theory, and which, he hoped, would produce a change in the practice of political economy, the noble earl was mistaken, if he supposed the effects of the country bank issues were not taken into account; but the error, if he might venture to ascribe error to such a work, was this, that the Bank of England issues were supposed more completely to regulate those of country banks, than in fact it appeared they did. It was well known to every person who had examined the state of the country within the last three years, that there was an excessive issue of country notes; so much so, that numberless persons were ruined by the failure of many of those banks, and those bankers who were able to pay, did so, by contracting, in a great degree, the issue of their notes. This gave a fallacious appearance of prosperity to the country, when, in fact, it was in a state of distress. He had thought it incumbent on him to make that statement from respect to the memory of a lamented friend (Mr. Horner), who had taken a leading part in the proceedings of the bullion committee.

The Earl of *Liverpool* observed that, though circumstances had prevented his acquaintance with the respectable individual alluded to, no one had a greater admiration of his virtues, or a greater veneration for his memory. He had not said that the report of the bullion committee did not touch upon the subject of country paper, but that it had stated that paper to be regulated by the circulation of the Bank of England, which was not the case.

The question being put, the House resolved itself into a committee on the bill, when the earl of Lauderdale proposed as an amendment, that instead of fixing the 5th of July, 1819, as the term of the restriction, it should expire in six weeks after the commencement of the next session of parliament. Upon this, the House divided: Contents, 9; Not Contents, 22. The bill then went through the committee.

THE EARL OF LAUDERDALE'S PROTEST AGAINST THE SECOND READING OF THE BANK RESTRICTION CONTINUANCE BILL.] The following Protest was entered on the Journals:

"Dissentient;

1. "Because this bill for continuing the Restriction of payments in cash on demand, for another year has been intro-

duced and supported on the ground, that the raising of foreign loans would drain this country of its coin; an opinion founded on gross misconception and ignorance of the subject: for the metallic currency of no country can be exhausted, except by the substitution of a paper currency not payable in cash on demand, which is unfortunately the very system it is the object of this bill, at least for a time, to establish.

" To such a degree does the ignorance of those who have argued the necessity of this bill, on the probability of great foreign remittances, appear to me, to extend, that it seems to have escaped their observation that capital may be conveyed from one country to another in the shape of goods, as well as of bullion; and that the former is the mode in which the great bulk of foreign remittances must be made; for the moment the exchange becomes unfavourable by the forced exportation of a small quantity of coin, it must give such encouragement to the exportation of commodity, and such discouragement to the importation of them, that whilst it is impossible, consistent with the interest of the merchant, to import commodities equivalent to the goods exported, it must be his interest to make every necessary remittance in goods rather than in coin.

" It is, in truth, folly to imagine that the exportation of coin or bullion, as a means of restoring the balance of payments when deranged by a foreign loan, or any other source of necessary remittance, can be long persevered in, either by this or any other country; for, on the supposition that those who have engaged to make remittances will consult their own interests, the quantity of coin that can at any time be withdrawn from the circulation of a country to effect this object is small indeed, as must be obvious to those who reflect, that as soon as any portion of the gold or silver coin is exported, the value of that which remains must increase, or in other words, the value of all the commodities must diminish, which, of course, will present to the contractor for a foreign loan a state of things that renders the exportation of goods a more advantageous means of fulfilling his engagements than the exportation of coin or bullion.

" It is true, that the foreign market may be glutted with those goods, at the price at which the merchant can afford to sell them, and that bullion may again become a source of less expensive remittance; but the moment a little more gold is exported, a farther reduction of the price of commodities must ensue, which cannot fail, once more, to create an efficient demand for our manufactures, and to render the exportation of gold the least profitable means of conveying capital abroad.

" Thus, therefore, before any country can be drained of its gold by the necessity of remitting capital, in consequence of foreign loans, there must be a proportional demand for, and exportation of, its commodities; and as gold and commodities must become alternately the least expensive means of remittance, so it cannot be exhausted of its coin, without supposing that it is possible that it should be exhausted of all the goods of its growth and produce.

2. " Because this doctrine, sound in theory, is supported both by authority and experience.

" From the authority of Mr. Winthorp, when examined before the Irish Exchange committee, we learn, that it is impossible to drain any country of so much of its coin as is necessary to carry on its traffic, unless by the establishment of banks, and the issue of the paper of such banks, made to answer as a substitute for coin.

" And from experience we know, that at a time when great foreign remittances were forced, both by the existence of the Austrian loan, and large subsidies we had agreed to pay to German princes, betwixt the years 1794 and 1797, little more than 1,250,000*l.* in specie was remitted by Mr. Boyd, the agent for the imperial loan: whilst it appears, by the report of the House of Lords on the Bank of England, 1797, that the exports to Germany alone, in the year 1795, 1796, amounted to eight millions annually, when, in time of peace they did not amount to more than 1,900,000*l.* Indeed eight millions, the value of the goods annually exported to Germany at that time, exceeded by at least 2,600,000*l.* the value of the exportation of commodities in time of peace, to France, Flanders, Holland, and Germany combined, leaving no doubt that such an increase of demand could alone arise from the circumstance of the engagements which the country had formed to send capital abroad.

3. " Because the probability of great and extensive foreign loans to be filled by the capitalists of this country, which gives

to parliament reason to apprehend the necessity of large foreign remittances, far from forming a ground for arguing that the restriction of payments in cash ought to be extended, forms a solid ground for maintaining that the welfare of the state more than ever requires that it should be immediately done away.

"For as these remittances may be made either in goods or in bullion procured by the melting of our coin, it is apparent, that as the taking off the restriction must create a home demand for our coin, it would encourage the remittances being made in goods, to the great benefit of our manufacturers; whilst the continuance of the Restriction, by annihilating all demand for our gold coin, must encourage the remittances being made in gold, to the great injury of our manufacturers.

(Signed) "LAUDERDALE."

HOUSE OF COMMONS.

Tuesday, May 26.

FINANCE.] Mr. *John Smith*, seeing the chancellor of the exchequer in his place, would put a few questions to him upon a subject highly interesting to the public in general, as very mischievous reports were in daily circulation with the avowed object of depressing the public credit. The first question he would put, was, simply whether he intended to raise any money by loan or otherwise in the course of the coming year? The second question was, whether it was intended to pay off the three millions of exchequer-bills which was borrowed, free of interest, from the Bank? The other point upon which he wished to have some information was respecting the payment of the six millions to the Bank? It was of great consequence that the public should have the best information on this subject, because many people strangely supposed that if the Bank received six millions from the government, the amount of the circulation of Bank-notes would be diminished in that ratio.

The *Chancellor of the Exchequer* stated his astonishment at the first question which had been put to him by the hon. member for Nottingham; for so large a sum in exchequer-bills had been funded this year, as to render it very improbable indeed that either a loan or funding would be resorted to this year. In answer to the second question, he was in treaty with the Bank, and he had no doubt but that the sum of three millions would remain in the Bank as a loan to government at a low interest. In answer to the third question, the six millions would be paid to the Bank at the periods most convenient to the government. It was absurd to suppose that the amount of notes in circulation would depend upon payments by government to the Bank. The Bank had the control over its own issues, and it would, no doubt, supply the public, as usual, liberally, and he had reason to know that this was their intention.

Mr. *Tierney* observed, with regard to the three millions of exchequer-bills, that as notice had been given for payment, an interest of 4 per cent would become payable, unless an arrangement was intermediately made by the government and the Bank; and unless the government paid the six millions before the end of the year, it was idle to talk of the issues of the Bank being lessened, or the restriction upon cash-payments being ever taken off.

The *Chancellor of the Exchequer* explained, that with regard to the three millions an arrangement was actually in progress; and that, upon the other part of the subject, he had already stated that government had made its arrangements with a view to a gradual payment of the six millions.

LAND TAX ASSESSMENT.] Mr. *Brougham* wished to learn from the right hon. gentleman opposite, whether any orders had been issued from the Treasury, to the district surveyors, respecting the Assessment of the Land-tax? He particularly wished to know what authority had been given for a certain Circular Letter which had been sent from a surveyor to an assessor in a distant district (he alluded to the county of Westmorland), and which had been published in the newspapers? It was a direction from this officer not to proceed in the land tax assessments till farther orders. As the law stood, the bill on this subject having been lately thrown out, these officers take on themselves, in contempt of the privileges of the House, and the rights of electors, to adopt a measure for disfranchising voters at the eve of a general election. If the matter were not satisfactorily accounted for, he should call for the attendance of those officers at the bar. But he should take a shorter mode than moving for the production of that letter by the persons who received it; for

if he were driven to this necessity, it was clear, that before his object could be attained, the parliament would be prorogued, and perhaps dissolved.

The *Chancellor of the Exchequer* said, if any such order had been given, there could be no doubt it must have been a general one.

Mr. *Brougham* was surprised that the right hon. gentleman should stand up in his place and express any doubt whether he had issued such an order or not. It was an order that was probably signed by three lords of the Treasury.

The *Chancellor of the Exchequer* replied, that he did not believe the lords of the Treasury had signed any such order.

Mr. *Lushington* added, that he did not believe any such order had been issued from the Treasury.

Mr. *Brougham* then moved, "That there be laid before this House an Account of any Orders which have been issued by the lords commissioners of his majesty's Treasury, regarding the Land Tax Assessment, within the last three months."

Mr. *P. Moore* seconded the motion, which, he conceived to be absolutely necessary. At the present period, when a dissolution of parliament was expected, it was proper that candidates should know who the voters were. He had paid dearly for the want of proper information. The land-tax book contained the vital principle on which votes were founded.

Mr. *Wynn* suggested, that the order in question might have proceeded from the Tax office, and that the motion would be more complete by the addition of the words, "or the Commissioners of Taxes."

Mr. *Brougham* said, he should avail himself of the suggestion of his hon. friend. The production of the paper would point out the persons on whom the blame of this proceeding ought to rest. It would enable the House to discover, whether the order was given with or without the authority of the board of Treasury. The persons issuing the letter were certainly guilty of a breach of the privileges of parliament, and therefore ought to be called to the bar of the House. But, if he moved for the appearance of the officers, they might say, that they acted under the sanction of the board of taxes, and then the case would be remediless, since a fortnight at least must elapse before any thing could be done. He should therefore consult with gentlemen better informed on the subject than he could pretend to be, in order to secure to the voters throughout the country their elective rights, should it appear that measures had been taken to contract them. The Crown had a right to dissolve parliament when it pleased; but if, when a dissolution was about to take place, measures of this nature were resorted to, the House must look for a remedy within itself.

The motion was agreed to.

PRIVILEGE OF PARLIAMENT—WITNESSES AND OFFICERS OF THE HOUSE.] Mr. *Bathurst* rose, in pursuance of notice, to move certain resolutions with a view to the preservation of the privileges of that House. The inquisitorial powers of the House of Commons were essential to it, as the great council of the nation, and all persons, either examined in committee, or at their bar, were bound to answer every question put to them. It was not right, without the leave of the House, that the information thus obtained should be divulged elsewhere. A case had lately occurred, where a short-hand writer, employed by the House, had been called on, in a court of justice, to give evidence of matters which had been stated in a committee. Without any notice being given to the House, he had produced documents, which he had himself taken, and on his evidence the result of the trial in a great measure depended. He denied the power, however, of any court to come at facts so disclosed, without the consent of that House. If such a proceeding were allowed, their investigations must hereafter be very much contracted—or else very great danger must be apprehended from the disclosures made before committees. It was necessary that persons, either clerks or others, employed by that House, should be apprized of their duty; and with that view he should move,

1. "That all witnesses examined before this House, or any committee thereof, are entitled to the protection of this House, in respect of any thing that may be said by them in their evidence.

2. "That no clerk or officer of this House, or short-hand writer employed to take minutes of evidence before this House, or any committee thereof, do give evidence elsewhere in respect of any proceedings or examination had at the bar or before any committee of this House without the special leave of the House."

Mr. *Wynn* said, that the circumstance

which called for these resolutions presented one of the most dangerous infractions of the privileges of the House that could possibly be conceived. If it were established that a short-hand writer, or clerk in a committee, could be compelled to give evidence of what had passed there, he might equally be called on to depose to what had taken place in that House, and the whole inquisitorial power of parliament would fall to the ground. The consequence would be, that they would find it impossible to go to the bottom of many transactions nearly connected with the public interest. The business could not have been noticed in a milder manner than the one adopted by the right hon. gentleman. There might be cases, as in the event of an impeachment, or when a charge materially depended on words spoken in that House, where it might be necessary to support, by evidence, the allegations made. In all these cases, witnesses might be examined at the bar; but he never could assent to the general proposition, that evidence taken before a committee, or at the bar, should be disclosed, without the permission of the House.

The Resolutions were then agreed to, *nem. con.*

REPORT ON THE LAWS RELATING TO AUCTIONS.] The following Report was presented, and ordered to be printed:

REPORT on Laws relating to Auctions.

The SELECT COMMITTEE appointed to take into consideration the Laws relating to Auctions, and to report the same, with their Observations thereupon, to the House;—Have, pursuant to the order of the House, considered the same accordingly, and have agreed to the following REPORT:

Your Committee have examined several tradesmen and respectable auctioneers, who are all of opinion, that great frauds on the public are constantly committed, by the mode in which sales by auction are conducted:—That property is often sold under misrepresentation as to ownership, under various pretences; such as, owners going abroad, merchants property intended for exportation; and empty houses are filled with goods for the purpose:—That articles of the most inferior manufacture, made for the express purpose of putting into sales, as the genuine property of individuals of respectability; and to such lengths has this mode proceeded, that many auctioneers who are in the practice of vending such articles, have, with a view to impose more successfully upon the public, been detected in using the names of several of the most respectable auctioneers, varying the spelling by alteration of a letter; and your Committee have had proofs, that several of the respectable auctioneers, whose names have been so assumed, have in several instances, in justification to themselves, been compelled to appear personally at such sales, to prohibit the same being carried on in their names, knowing such was done with a view to impose on the public.

Your Committee find also, that sales are made of linen, describing the same as foreign, and the property of Hamburgh and foreign merchants; also cutlery wares, and plated goods, in particular, of the most inferior manufacture, with London maker's names thereon, publicly declared and sold as London manufacture; and to such an extent as to compel the London makers to appear in the sale rooms, and in person expose the fraud and imposition attempted to be practised.

Your Committee also find, that great frauds and impositions have been practised in the sales of wine, misrepresenting it as the property of individuals of respectability; and in short, there has been scarcely an article which at auction has not been grossly misrepresented:—That sales are often made without attending to the due order of the catalogue, and sometimes without any catalogue, and at others with the same catalogue used for many days sales; and the Committee in this investigation have discovered, that great frauds have been committed upon the revenue, inasmuch as at times no sale has been returned, and at other times less in amount returned than absolutely sold; and that various prosecutions have been from time to time necessarily instituted by the Excise board.

Your Committee have reason to suppose, that the facility given to these sales, by describing property falsely as to ownership, affords ready means of selling goods dishonestly come by, and holds out the means of the evil-disposed debtor to sell fraudulently the creditor's property, to a great and serious injury to the honest trader, raising money (as it is termed) by any sacrifice of price.

That the inferiority of manufacture so sold and mis-stated is of national injury, and your Committee have had instances stated where an exporter has immediately shipped the articles bought, vamped up for the express purpose of deception, and which was not discovered till opened, and no responsibility attaching to the auctioneer, the buyers are left without a remedy:—That while these daily sales exist without check or control, the regular manufacturer and tradesman are but little resorted to, and who, your Committee submit (both buyer and seller), are entitled to every protection; by reason,—1st. That the taxes of the country, and the poor, fall very heavy on the established and fixed housekeeper, while the itinerant auctioneer, as many travel from place to place, avoid paying

any taxes;—and, 2dly, That a proper responsibility to the buyer resting with them for any imperfect or bad article sold, and on whose judgment and credit the buyer very often places himself. Your Committee consider these sales afford encouragement to the manufacturers of inferior articles of almost every description, and are ruinous, for the reasons before stated, to the honourable and honest tradesman, creating a competition for lowness of price, in preference to excellence of quality, whereby the best workmen are injured and thrown out of employ.

Your Committee have received information of daring combinations, by a set of men who attend real sales, and drive, by various means, respectable purchasers away, purchase at their own price, and afterwards privately sell the same, under a form of public auction, termed, "Knock-out Sales."

Your Committee have but shortly adverted to the substance of the evidence they have received; but enough, they expect, to satisfy the House to make some alterations, in the present session, which may prevent in some degree a continuance of these frauds and impositions on the public; and therefore resolve to recommend a complete revision of the auction laws, and at as early a period as may be practicable.

Your Committee therefore recommend to the House, that a bill be immediately brought in, to increase the annual licence from 12*s.* to 20*l.* on every auctioneer or person selling by auction within 10 miles of the Royal Exchange, the first year, and for every future year the sum of 5*l.*; and every auctioneer without the space of 10 miles, the sum of 5*l.* the first year, and the sum of 40*s.* for every future year; and any person directly or indirectly making any sale by auction, not being licensed, to forfeit for every offence 100*l.*

That no goods be sold, under a heavy penalty, without being previously exposed to view, at least 24 hours, nor without a catalogue previously printed, and sold in the order of the said catalogue; and that the real name and address of the auctioneer be printed on the first page; and that a penalty of 100*l.* be inflicted on every person using any fictitious name; and that the sales be confined to the hours from ten in the morning to six in the afternoon; except book sales, and produce usually sold by the candle.

That all auction rooms for the public sales of goods by auction, such as linen drapery, woollen drapery, hosiery, haberdashery, mercery, stationary, jewellery, hardware, books and prints, be licensed from time to time for one year, and security taken from the auctioneers and others, that these regulations and former acts should be complied with.

That a duty of 1*s.* per lot be deposited at the Excise-office upon delivery of the catalogue; and that the sum of 1*s.* per lot be allowed to be deducted from the duty on every lot which shall exceed 20*s.*

ADMINISTRATION OF JUSTICE UPON THE NORTHERN CIRCUIT.] Mr. *M. A. Taylor* observed, that it was rather an advanced period of the session for the motion of which he had given notice; but he could not anticipate any grounds of opposition to it from the other side of the House. The justice of the country could not be said to be administered, either in the four northern, or the two adjoining counties of York and Lancaster, because the business on the northern circuit, which comprehended the six, was more than any two judges could execute. He would now state the object of his motion, in order that its nature might be fully understood; and he really believed it to be one against which no rational objection could be urged. He should first desire, that the Report of the Select committee, appointed to inquire into this subject, be read.* In founding upon this report an address to the Prince Regent for taking such measures as may secure to the northern counties the benefits of an equal administration of justice, he apprehended that he was leaving to the discretion of those who had the best opportunities of forming a correct judgment, the entire arrangement of those measures. The evil was of an extent which called loudly for redress. The grievances arising from it were not peculiar to the northern counties: he had learned, from communication with other parts of the kingdom, that the necessary business could not, in many places, be discharged, from the want of a greater number of judges. It was, however, his intention for the present, to confine himself to the question in respect of those counties where the assizes were held but once a year. It was a most remarkable fact, that the business of the northern circuit exceeded three-fold that of any other. He held in his hand a return of the average number of civil causes on the western circuit as compared with those on the northern, for the same period of time. On the western, the number was between 180 and 200, whilst, on the northern, at York alone it was 141, at Lancaster 143, in Westmorland 11, in Cumberland 80, in Durham 27, and at Newcastle 25; making altogether 427. Could it be supposed that any two judges could try all these causes within the time allotted, so as to render justice to the different suitors? It

* For a copy of the said Report, see p. 374, of the present Volume.

should be recollected also, that there was often a very heavy criminal calendar at Lancaster, amounting on a late occasion to a hundred indictments, many of which were for very serious offences. It appeared that at Lancaster and York, therefore, the business exceeded the whole number of causes on the western circuit. Did the House consider it fit and proper that this state of things should continue; that in four counties there should be but one assize in the year; and that prisoners should, notwithstanding all the exertions of the magistrates in disposing of minor offences, lie for so many months in confinement before they were brought to trial? A man taken up on suspicion, and sent to the county gaol, must in such a case be ruined, however innocent of the crime imputed to him. We might boast as much as we pleased of our superior laws, and practice of administering them, but there was no country in Europe, where so monstrous a defect prevailed in the judiciary system—a defect equally injurious to individuals, and disgraceful to the character of justice. A case of manslaughter had recently occurred, in which the prisoner was acquitted, after lying eleven months in confinement; the whole punishment annexed by the law to a conviction of that offence being but twelve months imprisonment. No man was more thoroughly convinced of the excellence of our laws than himself, when they were administered; but that administration, however pure, could not be effectual, unless the judges received some assistance in the execution of their arduous duties. He had had communication with several of the judges upon this subject; and Mr. Baron Wood, who had authorized him to use his name, declared, that he had been obliged to leave the circuit before the business was half performed. There were at that assizes no less than 147 causes set down for trial, and after getting through a certain number of those, care was thus taken to select such of the remainder as could be more easily tried. But the most important special jury causes were among the remanets which the judge was obliged to leave undecided. When the expense of collecting evidence, and of preparing for trial by a special jury were considered, the grievance to the suitors in the cases to which he had alluded must be sensibly felt. Yet six of those special jury causes were among the remanets at the last assizes for Yorkshire. But he had received much information from other judges as well as baron Wood, illustrative of the injustice resulting from the system which it was his wish to remedy. He had also received similar intelligence from barristers and suitors. On lately passing through Yorkshire, he was told by a gentleman that he had had a special jury cause left among the remanets at York assizes, after he had incurred costs to the amount of some hundred pounds in the collection of witnesses, from various parts of the country, and in other expenses connected with his preparation for trial. But many of those remanets were left to a reference. the parties rather wishing to have the case so decided, than to incur the expense of proceeding a second time to the assizes. Was not this, he would ask, equal to an absolute denial of justice? But the fact was, that in many instances suitors were obliged to go a second time to the assizes for the trial of their cause. He knew a respectable solicitor of Durham, who, with a view to the more expeditious decision of his client's cause, had the venue changed to Yorkshire. The cause of action was for 24*l.* He carried his witnesses to York, but was not able to have the cause tried at the first assizes. At the second assizes it was decided in favour of his client, after incurring costs to the amount of 200*l.*; but of those costs the master only allowed 140*l.*: so that the client was 60*l.* out of pocket, for the recovery of 24*l.* It was said by some, that there was no peculiar injustice to be apprehended from transitory causes, as they could be transferred from any of the four counties alluded to. But it was to be recollected, that there were many civil causes which could not be consistently transferred, namely, actions of ejectment, or actions between landlord and tenant; and was it fair that such causes should stand over undecided, for one, perhaps for two years, in the four counties under consideration? But even were the change of venue quite consistent in all cases, it must be considered that if a cause were taken for trial to York, from any of the four counties alluded to, it would necessarily occupy the parties perhaps for fourteen days, in a case which might be decided in each of those counties within seven days. The additional loss of time, then, together with the additional expense of a transfer of the trial, formed a serious consideration to suitors, and it must always be borne in mind, that according to one of the radical

maxims of our law, justice ought to be administered with the least possible expense. But the truth was, that two judges could not contrive to get through the business of the Northern circuit, at the Summer assizes, and thus an increased expense was incurred through the remanets. There were no doubt some witnesses examined before the committee, who differed from his views of the subject. Two gentlemen of the highest respectability particularly dissented from him; but while he acknowledged their respectability, he certainly could not subscribe to their reasoning, especially when they maintained the opinion, that if two assizes within the year were appointed to take place in the four counties referred to, they would serve to produce more litigation. If indeed this reasoning were valid, and the opinion sound, an end should be put to the second assizes in the other circuits.—But as an apology for declining to consider and remedy the evil to which he had called the attention of the House, he understood it was said, that it would be imprudent to meddle with the system which had existed for centuries. What, was it to be apprehended that there was something like a spell belonging to this system of evil, which if touched the bubble would burst? But the apprehension was chimerical, and a mere pretence for those who did not wish to look at the evil in the face—who were not anxious to secure the proper administration of justice. Upon the authorities and cases he had cited, he was bold to say, that justice was not properly administered in the Northern circuit, but especially in the four counties to which he more particularly referred. Why, then, should ministers shrink from the consideration of an adequate remedy for the system complained of? The apprehension of any danger from the change so much desired, was perfectly idle. No danger or inconvenience had resulted to Scotland from the change which had taken place in the constitution of its courts for the administration of justice. First, the court of sessions was divided into two chambers, and next a new court was created for the trial of civil causes by jury. Yet the law of Scotland was never found to suffer any injury from the change, while the system of administering justice was materially improved. Upon what ground, then, could any fear be entertained, that the law of England would be injured, or its constitution endangered, by the adoption of a desirable change in the organization of our courts of justice? The Report on the table showed the necessity of some change; and was it too much to require of ministers not to make any immediate arrangement, but to take the subject into consideration in the course of the recess? The correct and conscientious manner in which the judges attended to their duties was universally admitted and applauded. The more, indeed, the conduct of these meritorious individuals was inquired into, the more they must be secure of the approbation and respect of the country. Yet, with all their diligence, they found it impossible to get through all the business assigned to them. And, first, with regard to the court of King's-bench, it was a fact, that that court had not yet been able to decide upon the motions for new trials from the last summer assizes of the northern circuit. He was, indeed, acquainted with an instance, in which such motions were not determined upon until the last day of the Trinity term; the judges sitting to hear motions until 12 o'clock at night upon that day. Thus parties could not possibly receive notice in due time to be prepared for a new trial at the succeeding assizes. Here the hon. member animadverted upon the course of proceeding at Serjeants'-inn, where the judges sat upon a fiction, for they could hear, but could not determine certain points at that court. He disliked this mode of proceeding altogether; for he wished the courts to be always public, and that the judges should act before a numerous and enlightened bar, which was not so practicable at Serjeants'-inn. But the judges were too much occupied, and therefore, among the remedies, he would propose an addition to their strength. Such an addition he had, indeed, long thought necessary, and such also he found to be the opinion of many intelligent gentlemen whom he had consulted upon the subject. He suggested, therefore, that two commissioners should be appointed to assist the judges, those commissioners to be clothed with all the authority of the judicial function, and to be invested with that authority for life, with a view to render them, as well as the judges, independent of government, if it were said that serjeants might be employed, as they occasionally were, in officiating for the judges, and that his suggestion was superfluous, he should answer, that to satisfy the public mind, persons actually invested with the

judicial authority were necessary in the administration of justice. He had heard of a plan to send some serjeants at the Lent assizes to deliver the gaols of the four counties to which he alluded; but this would not be sufficient to answer the ends of justice, or to satisfy the minds of the people of those counties. It was known, that at the Old Bailey the judges of the land uniformly attended to try the capital felonies, although the recorder and the common serjeant were always in the commission. If from the number of the judges they were deemed incompetent to perform the duties assigned to them, that number then should be increased; in each of the existing courts a new court should be appointed, and any expense that might arise out of such an arrangement should not be allowed to interfere with the due administration of public justice. There were many parts of the business connected with the court of King's-bench which might be done out of court; for instance, the taking of bail, with all cases connected with smugglers, insolvent debtors, and judgments under certiorari. The judges of all the courts were called upon to do a great deal of chamber business, especially in cases from the Tax office. Now, suppose the judges were relieved from all this business through the commissioners whom he had before mentioned, they would naturally become more qualified for the due performance of other parts of their judicial duty, and such qualification was essentially necessary. For the wealth of the country had so much increased with its commercial advancement and colonial connexion, that the same number of judges which existed in the reign of Elizabeth could not be deemed competent to discharge the increased law business of the present. They were not, in fact, able to do it, and hence the administration of justice was impeded. If it should be said, that the executive government was not prepared to pronounce any opinion upon this subject at present, he should express his astonishment, for ministers had had quite time enough for preparation, his original motion having been made at an early period of the session, and the report of the committee to which the subject was referred having been three months upon the table. Still he would not call upon ministers to express any decided opinion, but merely to promise the consideration of the subject in the course of the recess, when they might consult the judges and the Crown lawyers as to the measures most expedient to be adopted. He had the authority of Mr. Scarlett, who was the leader of the bar upon the northern circuit (which authority, by-the-by, was in opposition to the interest of his own practice), that without some change in the system to which his motion referred, justice could not be duly administered. He had also the authority of baron Wood, with that of other judges, and several eminent counsel. The opinion of the people of the several counties which he had mentioned was decidedly with him. He did not know whether the opinion of the minister was with him; but he trusted that that House would support a motion called for by the pressure of such injustice as he had described, and approved of by such authorities as he had cited. The hon. member concluded with moving, "That an humble address be presented to his royal highness the Prince Regent, representing to his royal highness, that this House having taken into their consideration the report of the Select committee on the administration of justice upon the northern circuit, humbly request that his royal highness will be graciously pleased to adopt such measures as shall give to the counties of Westmorland, Cumberland, Durham, and Northumberland, and the town and county of Newcastle-upon-Tyne, the benefit of a general Gaol Delivery, and a Commission of Assize and Nisi Prius twice in each year; and to assure his Royal Highness that this House will make good any expense attending the same."

Lord *Castlereagh* said, that he did not mean to oppose the general principle of the hon. member's motion, but to observe, that as the House was not prepared to come to any decision upon the case, it would, in his view, be better to withdraw the motion for the present. For himself he must say, that he was not yet prepared to pronounce any opinion upon the merits of the case; for although he had availed himself of the opportunity which the report on the table afforded, to consult those who were most competent to form a judgment, yet, from the variety of engagements to which those eminent individuals had to attend, he found that they had not sufficient leisure to consider the subject, so as to devise an adequate remedy for the evil complained of. This evil he admitted to exist, but like many other evils

it must be endured until a proper remedy was discovered. Before the proposed address was voted, he recommended the House to see its way through the difficulty and embarrassment which belonged to the case. The proposition of the hon. mover did not, it appeared, refer alone to the counties which he had mentioned; for in that hon. gentleman's own view the remedy he sought could be attained without effectuating a very considerable change in the organization of our established courts of justice. He agreed with the hon. member, that expense should not be allowed to stand in the way of the due administration of justice. But it was obvious, that it would become the House to see its way clearly before it made any pledge, or took any proceeding upon a subject of this nature. The Report recommended the administration of justice only by the judges, while the hon. mover suggested the appointment of commissioners. But whether that suggestion should be acted upon—whether more judges should be appointed, or a new court created, according to the hon. member's proposition, the case was such as to require more consideration before the House took any step towards new-modelling our courts of justice. The confinement of prisoners so long before they were brought to trial was undoubtedly a great evil, to remedy which he trusted some measures would be adopted. But happily, from the little progress of crime, and the state of morality in the counties alluded to, it appeared from the returns before the House, that comparatively very few had suffered from the existence of this evil. The delay of civil causes was also an evil; but still, as to the appointment of two assizes in those counties, the evidence of the four or five professional gentlemen adduced before the committee was entitled to some attention. He did not mean to say that he concurred in the opinion of those gentlemen. Neither did he deny the evil which the hon. mover alleged to exist; nor did he intend to discourage the hon. member's wish for remedying that evil. He only asked the hon. gentleman to withdraw his motion for the present, in order to afford time for due consideration.

Mr. *Brougham* concurred in the noble lord's recommendation to his hon. friend to withdraw his motion. Without differing from the principles laid down by his hon. friend, he still thought it improper to come to any decision upon the case at present. If the motion applied only to the four northern counties, it was now too late in the session to adopt any measure of legislation upon the subject, and to vote the address would be tantamount to a measure of legislation. Now as the proposed change referred to judicial proceedings, he apprehended it would be much more regular to have it settled by the consent of the three branches of the legislature, than to emanate solely from that House. In such a case indeed it was peculiarly proper that the other House of parliament should be consulted, forming, as it did, our supreme court of judicature. But it was evidently necessary to afford time for consideration before the House took any step, in order that the judges should consult together as to the nature of the change which it might be expedient to adopt.

Mr. *M. A. Taylor* replied. He observed that he had been formely told that the House should wait till the facts had been stated; the facts had now come, and he was again desired to wait till some other opportunity should occur. Did the noble lord and the hon. gentleman opposite recollect, that if they adjourned this question, the next circuit would be left exposed to the same evils and inconveniencies, the same denial of justice? If the noble lord would give a plain assent to the principles that had been laid down, he was willing to withdraw his motion; but if no such assent was given, he should in the next session, if he had then the honour of a seat in that House, be left just where he was. He never would assent to any proposition that did not give to the four northern counties the same benefit of *nisi prius* as the other counties enjoyed.

Lord *Castlereagh* said, that ministers would feel it to be their duty to inquire fully into the subject, but it was impossible that they could then pledge themselves to any particular measure.

Sir *C. Mordaunt* observed that in the county of Warwick much inconvenience and hardship were suffered from the delay that took place in consequence of the great number of trials.

Mr. *W. Smith* said, that the executive government was bound to enter most actively into the subject, and to provide a remedy. He had been informed by the town clerk of Norwich, that instances had occurred of persons being confined nine or ten months previously to their trial; and a navy surgeon had been confined for the space of twelve months, and had been

subsequently acquitted. By so long an imprisonment, individuals sometimes suffered more than they would have done, if convicted from the sentence of the law.

Mr. *Harvey* corroborated the statement of the preceding speaker as to the great detriment sustained by his majesty's subjects, from the want of a general gaol delivery twice in the year at the assizes for the city of Norwich.

The motion was then withdrawn.

LOTTERIES BILL.] The Chancellor of the Exchequer having moved the third reading of this bill,

Mr. *Lyttelton* said, that undeterred by the result of former discussions, he should not allow that last opportunity to pass without renewing his opposition to a bill that went to continue this great national nuisance. The bill had only been printed that day, and though some improvement was made in its provisions, his opinion as to its being immoral in its tendency, and impolitic in its principle, remained unchanged. It was a most shabby and dishonourable plan for cheating the people out of their money. The more he considered the subject, the more difficult he felt it to account for the determination of the right hon. the chancellor of the exchequer, to persevere in a system so prolific in crime. When he considered the acts in which the right hon. gentleman was often engaged, he was surprised that he should not only give his support to, but insist on the adoption of a system so base and disgraceful. What! could the right hon. gentleman, who on one day was the builder of churches, on another, was a friend to the education of the poor; on a third, recommended the distribution of bibles; and, on a fourth, supported the plan of Saving banks—could he be the patron of a system which went to undermine the morals of the people? He lamented to say that this was the fact. But if the right hon. gentleman was disposed to sacrifice public morals for the paltry gain of 250,000*l.*, he was not inclined to agree with him. He abhorred and detested such dishonourable and fraudulent practices, and he would continue to oppose them as long as he had a seat in that House. With that view he should now move, that the bill be read a third time on this day three months.

Mr. *Parnell* said, that nothing had given him greater pain, since the short time he had sat in that House, than the seeing how frequently great questions of justice and morality were sacrificed to expediency. But the present sacrifice was of a more degraded character, as it surrendered those great principles to a paltry financial profit of 250,000*l.* He felt himself totally at a loss to understand the motives of the right hon. the chancellor of the exchequer, in persevering in a measure on which many of those gentlemen who supported administration deserted him. He could not help thinking—though he hoped there was little probability of the country being deprived by death of his services—that the following would be an appropriate epitaph to inscribe on the tomb of the right hon. gentleman: "Here lies the right hon. Nicholas Vansittart, once chancellor of the exchequer: the patron of bible societies; the builder of churches; a friend to the education of the poor, an encourager of Saving banks, and—a supporter of lotteries!" [A laugh].

Mr. *Morland* expressed a strong disapprobation of the measure. If his majesty's ministers said that we should be slow in tampering with the revenue of the country, his answer was, that ministers should not themselves tamper with the morals of the people.

Mr. *Lockhart* wished to know on what grounds that House could enact capital punishments, when they were passing laws which invited the people to perpetrate crimes? He could not consent to this measure on any grounds of revenue whatever. Considering the abominable effects which this system was calculated to produce, he was satisfied that there was no impost that could be imposed which the people of England would not prefer to it.

Mr. Alderman *Wood* was of opinion, that no fault could be found with the keepers of regular offices. Many frauds and impositions, however, were practised, and great and extensive evils arose from the system of insurances. Some offices belonging to the latter description of persons had been entered, and the books taken away, by which it appeared, on inspection, that clerks in banking-houses, clerks in the customs, and in other public departments, had entered their names as insurers, from 1*l.* to 10*l.* In exposing such evils to the House, he would not hesitate to mention names. One of the offices to which he alluded was discovered in Newgate-street, and another in Covent-garden, where he entered and found all

that he had stated. In one of those places, a gentleman who held a high office in the long-room in the Custom-house was the person who took the insurances. The hon. member concluded with saying, that he hoped the right hon. the chancellor of the exchequer would at last find that such an immoral system as this would not be tolerated by the people.

Mr. *Lyttelton*, after what had fallen from the worthy alderman, begged to trouble the House with a very few words. As the worthy alderman had spoken in praise of the licensed lottery-office-keepers, he must now say a word in their dispraise. In doing so, he acted from the very best information on the subject, and the unbiassed conviction of his mind. He would say, then, that they were the last people in the country, next to hangmen and informers, on whom he would bestow any panegyric. He considered them to be fraudulent and criminal men, and he would add, that no persons could earn their money in a more dirty manner [Hear, hear!]. They practised the most shameful and disgraceful frauds on the public by their schemes and puffs, by which they hoped to entrap the ignorant; and, he regretted to say, they too often succeeded. It would be well, however, for all persons to know, that in small prizes, the chances were four and a half to one against the miserable adventurer, and in the higher prizes they were 2,000 to one against him. And yet people suffered themselves to be taken in by these "respectable persons," the lottery-office keepers, as the worthy alderman had called them. He trusted that the eyes of the public would be opened at last to such fraudulent and disgraceful practices.

Mr. Alderman *Wood*, in explanation, said, that he had only spoken in praise of licensed lottery-office keepers, because he did not believe that they were engaged in any illegal insurances. He by no means meant to support the system of lotteries.

The question being put, "That the bill be now read a third time," the House divided:

Ayes	40
Noes	14
Majority	—26

The Bill was then read a third time, and passed.

HOUSE OF LORDS.

Wednesday, May 27.

BANK RESTRICTION BILL.] On the third reading of this bill, the earl of Lauderdale moved that the preamble stand as follows:

"Whereas, it appears by an account presented to parliament, that the Bank of England was, on the sixth of May, 1818, in advance to government to the amount of 12,831,628*l.* 4*s.* 4*d.*

"And whereas, an act passed in the present session of parliament, intituled 'An Act for raising the sum of thirty millions by exchequer bills, for the service 'of the year 1818,' authorizes the Bank of England to advance to government a farther sum of twenty millions: from which state of things it is evident that those to whom the management of the public finances is entrusted, have combined with the Bank of England to place the affairs of that establishment in such a situation as would render it expedient, if not necessary, for parliament to continue the restriction beyond the 5th of July next, on which day it was wisely enacted that cash payments should be resumed, by an act of the 56th of George 3rd, cap. 40, intituled 'An Act for further continuing, 'until the 5th day of July, 1818, an act 'of the 44th year of his present majesty, 'to continue the restrictions contained in 'the several acts of his present majesty, 'on payments in cash by the Bank of 'England.'

"And whereas further to ensure the necessity of continuing the restriction of cash payments, the mint regulations were so altered and arranged by the 56th of George 3rd, cap. 68, intituled 'An act to 'provide for a new silver coinage, and to 'regulate the currency of the gold and 'silver coin of the realm;' as to make it impossible that gold should remain in circulation;—and we have actually learnt by experience that it cannot, under these regulations, circulate, though by the said act, gold is declared to be the only legal tender of payments beyond the sum of forty shillings. May it therefore please your majesty, &c."

This preamble was negatived, as was also a proviso moved by lord Holland, to put an end to the operation of the act in the event of the price of gold falling to 3*l.* 17*s.* 6*d.* per ounce. The earl of Lauderdale then moved the following proviso, which was also negatived:

"Provided always and be it further enacted, that the restriction on cash payments shall continue till the 56th of the king, chapter 68, intituled 'An Act to

'provide for a new silver coinage, and to 'regulate the currency of the gold and 'silver coin of the realm,' be repealed, or until the said act is altered or amended to the effect that our gold coin, or our silver coin, shall, one or other of them, be exclusively declared a legal tender of payment; or that the relative value of our coin in these two metals shall, as far as may be, be so adjusted, that the denominative value of each shall bear the same proportion to the intrinsic value of the pure metal respectively contained in each."

The Bill was then passed.

THE EARL OF LAUDERDALE'S PROTEST AGAINST THE REJECTION OF HIS AMENDMENTS TO THE BANK RESTRICTION CONTINUANCE BILL.] The following Protest was entered on the Journals:

"Dissentient,

"1. Because it appears to me that no reduction of the advances to government, on the part of the Bank of England, or any other arrangement of its affairs, however prudent and well calculated to secure its being qualified to pay in cash on demand, could, if the restriction was done away, enable that establishment to fulfil its engagements for any length of time, without enormous loss to the proprietors; unless the act of the 56th Geo. 3rd, chap. 68, intituled 'An Act to provide for a New 'Silver Coinage, and to regulate the Cur-'rency of the Gold and Silver Coin of this 'realm,' is altered or repealed.

"By that act gold coin is declared to be the only legal tender of payment for any sum exceeding forty shillings; and the proportion betwixt the value of our gold and silver coin is altered from 15,059 to 1, which is nearly the present relative value of gold to silver bullion in the market of Europe to 14,121 to 1, making a difference of *5l.* 18*s.* or nearly 6 per cent. in the relative intrinsic value of our gold and silver coin.

"Under this arrangement it is evidently impossible that gold can continue to circulate in this country; for unless there was a gold price and a silver price for all commodities; gold coin can only have the same avail in making purchases as silver coin; that is, it would have 6 per cent less of efficacy in the purchase of commodities in these his majesty's dominions than in the rest of Europe; a difference more than sufficient to force its being exported the moment it is issued from the Bank.

"The Bank, therefore, must be subjected to a great loss from a constant demand for gold, whilst it continued to issue its paper—a demand not naturally arising from the state of the circulation, but inevitably resulting from the profit afforded by the exportation of gold; and this loss must be the more formidable, as under the present system of our paper circulation, the Bank of England is liable to provide gold, not only for its own notes but through its own notes, if they are allowed to remain in circulation, for all the paper issued by the private bankers throughout the kingdom.

2. "Because, though the profits the Bank has acquired since the Restriction, have been, to the great injury of the community, large beyond example, yet these profits would, without benefit to the community, be exhausted if they continued their paper in circulation under the 56 Geo. 3rd, cap. 68, as it is impossible that any capital could continue to sustain the operation of purchasing gold at the price it would infallibly hold in the market, when measured by our silver coin, and paying it away at the rate of *3l.* 17*s.* 10½*d.* per ounce, to persons who could alone realise the profit, which its comparative intrinsic value secures, by exporting it; for that act provides, under severe penalties, that "no person shall, by any means, devise, shift or contrivance whatsoever, receive or pay for any gold coin, lawfully current within the United Kingdom of Great Britain and Ireland, any more or less in value, benefit, profit or advantage, than the true lawful value which such gold coin doth or shall by its denomination import: nor shall utter or receive any piece or pieces of gold coin of this realm at any greater or higher rate or value, nor at any less or lower rate or value, than the same shall be current for in payment according to the rates and values declared and set upon them pursuant to law."

3. "Because, as I cannot help regarding the declarations made in the course of the debate on this subject, that every thing had been done on the part of the government, and of the Bank, to qualify it to resume payments in cash on demand, as tending to deceive parliament, whilst the 56th of the king, cap. 68, remains in force; so I cannot concur in passing an act for the resumption of cash payments on the 5th of July, 1819, or at any other definite period, without reference to the alteration or repeal of that law; for I

should feel myself, by such conduct, a party to a gross deceit which parliament will practise on the people of this country, by passing an act which seems to assume the possibility that the Bank may, without ruin to the establishment, resume and continue its ancient, salutary practice of paying in cash on demand, whilst the provisons of that act, are in force.

(Signed) "LAUDERDALE."

EDUCATION OF THE POOR BILL.] The Earl of *Rosslyn*, in moving the second reading of this bill, said, that it was not necessary for him to expatiate on the advantages of education to all classes of society, as he believed that this advantage was now generally acknowledged, and that the prevailing prejudices on the subject had all gradually been worn away. His lordship pointed out the advantages that Scotland had derived from the blessings of education, and contrasted them with the disadvantages that England and Ireland experienced from the want of it. Into whatever country Scotchmen emigrated, they had always succeeded in improving and humanizing that country as well as in deriving emolument from the exercise of their own talents and acquirements. The number of Scotch beggars was not above one in a hundred compared with the Irish; and yet the funds for the support of education in Scotland were exceedingly small; but they were well managed, and no abuses existed: whereas, in England, abuses had prevailed in the administration of charitable funds from the earliest period, down to the present moment. The noble earl then referred to various ancient and modern acts of parliament, the preambles of which distinctly acknowledged the existence of these abuses, and the necessity of finding a remedy. He referred also to the various commissions that had issued at different times, but the powers of which being insufficient, they had all failed in the accomplishment of their object. The existence of the abuses being thus proved beyond a doubt, the only question that remained was, as to the sort of remedy that should be adopted. The provisions of Mr. Gilbert's act had been found wholly inefficient. The 52nd of his majesty, though well meant, had only enabled parties to attempt redress by commencing a chancery suit; and to say nothing of the unavoidable delay and expenses of such a proceeding, who was there that, with no hope of reward, or even of indemnity, would enter on such a course for the sake of the poor? A commission then, armed with the requisite powers by parliament, was the only mode by which any check could be imposed on the existence and increase of these abuses. When he considered that within the last fifty years the poor-rates had increased from 700,000*l.* to nearly 8,000,000*l.* he thought it highly proper that an inquiry into the state of all charitable funds for the relief of the poor should be made at the same time. Those charities were the property of the public; and it was too absurd to say, that any private interests could be affected or should be considered in their examination. His lordship then detailed the chief provisions of the bill. They were for the appointment of fourteen commissioners, six of whom were to have no salaries, and all of them to be appointed by the Crown, which would, he hoped, in a case of such importance, use due discretion in making the appointment. The commission was to be armed with power to examine on oath, and to call for papers, persons, and records. His lordship then concluded by moving, that the bill should be read a second time. After the general approbation with which the measure had been received, and the expectations it had excited, he thought any opposition to it could not but be discreditable, and attract ill-will on their lordships' House.

The bill was read a second time. On the motion, that it be committed,

The *Lord Chancellor* said, that with as strong a sense of the existence of abuses as any man could entertain, and he hoped with as much reprobation of them, he could not help thinking that this bill would be much more detrimental to the interests of charities than any mode of proceeding that could be devised, and therefore, felt bound to give it his decided negative. With respect to the 52nd of the king, an act which was certainly well meant, it gave a summary application to the court of chancery, by way of petition. He begged to state, that the late master of the rolls, sir William Grant, and himself, had applied themselves in every way to redress the evils that were pointed out to them, as far as was consistent with the rules of distributive justice; but, in the end, they found so many difficulties in the application of the act, that in their opinion, and that of almost

every gentleman at the bar who had been in any way concerned, they could do nothing else but desist. Where indeed it it was clear who was the trustee and who the *cestui que trust*, there was no great difficulty; but they were all obliged to agree that they were unable to adjust any thing under the limited powers of that act, where the parties concerned could not be very clearly ascertained. He thought the present measure, however, objectionable on many grounds. If the legislature did not protect to the utmost all honorary trustees, in the execution of their trusts—if they were to be exposed to suspicious and vexatious inquiries into all the details of their duty—not one honourable man would be found in the kingdom to take upon himself the responsibility of a charitable trust. He did not wish to be understood as asserting that there were no abuses in charities: many were well conducted, and the monies properly applied; yet this was not the case with all. There were in this country numerous and splendid charities founded by munificent donors, with which courts of justice ought to have nothing to do,—*cujus est dare ejus est disponere;* and such charities ought only to be under the *domesticum forum* of the visitors nominated by the founders. Unless it were proved that the visitors abused their trust, his lordship said, he would resist to the utmost all legislative interference with their duties. He should be glad to know where was the power of parliament to interpose between the negligent schoolmasters and their scholars, even supposing they were negligent; but the fact was, that a foolish fashion prevailed of sending boys, by dozens to private seminaries, so that the endowed grammar-schools in country towns were deserted, and the deficiency of pupils was unfairly attributed to the misconduct of masters. One great difficulty he felt with regard to the bill was, that although it provided that reports were to be laid before both Houses of Parliament, and even before the throne, it did not give the most distant hint what future steps ought to be taken, or how the trustees of any charitable institution who misconducted themselves were to be brought to justice. The 4,000*l.* set apart in the bill would not pay the expenses of one-fortieth of the inquiries that must be instituted; for there was scarcely a parish in the kingdom that had not some charitable establishment or other. The important trusts were generally gratuitously discharged, and if a more temperate measure than this were not provided, no man would in future take upon himself such arduous and hazardous duties. The corporation of the city of London, and all the companies forming it, were trustees for charitable purposes to an immense extent, and it became the House to be very careful how it interfered with the discharge of their beneficent functions. He admitted that the law upon this subject required amendment, but the alteration now proposed was most injudicious; there was nothing in the nature of a charity that was not within the cognizance of these commissioners; even the national schools would be subject to them, and to-morrow the archbishop of Canterbury himself might be summoned before them to give an account of his demeanor. For this reason it was fit not only that the duration of the bill should be limited, but that its application should be restricted, like the 43rd Elizabeth, to certain enumerated charities. He did not intend to resist the commitment of the bill, but he despaired of making it unobjectionable.

Lord *Holland* wished to state shortly and plainly his grounds for supporting the bill, to which the greater part of the speech just delivered did not at all apply. It was not a bill empowering commissioners to judge, but only to inquire—to ascertain the nature and extent of existing abuses. The noble and learned lord had himself voted for such a measure in the naval inquiry, which some years ago had been made, and nothing was to be decided by the commissioners in this case. It was necessary for parliament first to be informed upon this great subject, what were the funds and how they were employed for the purposes of education. It was not an inquiry directed against trustees or visitors, but in their favour; and if they discharged their duty faithfully, it would only redound to their honour and to the satisfaction of the House. He held it indisputable, that the conduct of every man to whom a trust was assigned, or even who possessed property under conditions, was subject to the investigation and control of parliament. Upon the question of right, the power of parliament could not be denied, and the exceptions in the bill in favour of particular institutions were rather a blemish than an excellence. The result of the investigation might be the proof that no abuse existed, and then par-

liament must proceed with the work of education with such means as it could furnish; but if it were found that the funds had been misapplied, or that the institutions had fallen into neglect, then it would be able to judge what steps ought to be taken to advance the great object of the improvement of the lower orders with the means thus discovered. Did the noble and learned lord intend to say that parliament ought to act without information? No. Then how was it possible to proceed without encountering, in acquiring that knowledge, most of the objections this night stated? Could the noble and learned lord frame a better bill than the present? If he could, so much the better; but, however great the acumen he usually displayed in picking holes in the bills of other men, he had been singularly unfortunate in the measures he had himself originated. They were invariably found extremely defective; and this, among other proofs, showed that the framing and the blaming of a bill were two very different things, as had been said of speeches for and against ministers; for he recollected to have heard of a member of parliament, who, during the American war, had greatly distinguished himself by his harangues against government, but soon afterwards joining the ministry, he made a speech which was considered far below the usual pitch of his talents. A gentleman expressing his surprise at this falling off to Soame Jennings, received this short and pointed answer:—"What right have you to expect that a man should be a good glazier who has been employed all his life in breaking windows?" Because he had successfully attacked ministers, it did not follow that he could as successfully defend them; and because the noble and learned lord could find fault with the bills of other men, it did not follow that he could produce an unexceptionable measure of his own. The noble and learned lord had in words paid many compliments to the trustees and visitors of charitable institutions; but he had in fact cast upon the whole body a most galling stigma; for while he contended that their conduct was pure, he had refused to let it appear that it was so in any way but by his own assertion. The commissioners it ought to be remembered, were to pass no censure, but merely to state facts, and upon their information parliament was to found any ulterior measures its wisdom might deem requisite. Upon the whole, he supported the bill, because it instituted an inquiry, which the legislature had a right to make, which it ought to make, and which it had frequently made.

Lord *Redesdale* said, he was convinced that the bill could do no good, and might occasion infinite mischief. The commissioners would not do their duty if they did not rigidly inquire into all charitable foundations; and if they did do their duty, it would give disgust to all who had hitherto executed their trusts most faithfully and beneficially. The measure would also have the effect of deterring every honest man from accepting a duty which might subject him to malicious and groundless charges. The bill, it had been said, would be a vehicle for information; but it would be a vehicle for scandal, and a vehicle for immense vexation. The expenses of carrying the bill into effect would also be enormous. In each of the 11,000 parishes in England, the expenses would amount to three or four thousand pounds. It would thus occasion enormous taxation upon the parishes. The machinery already existing was sufficient to correct any abuse that could be pointed out. This bill could therefore do no good. It would convert that House into a criminal court of justice. The effect of it would be to disqualify individuals from being trustees. He had conversed with many trustees, who said that they would not have accepted of the trust, if they had been aware of such a measure as this. The bill extended to all institutions excepting those which were excepted. If Jews were excepted, why not Roman Catholics—why not Quakers? The charitable lady who was so beneficially employed in reforming the prisoners in Newgate, was not excepted from the inquiries of the commission to be appointed. If such a bill passed, trustees would consist only of persons of great zeal and of little discretion. He should on these grounds give his negative to going into the committee.

The Earl of *Carnarvon* said, that if the House was prepared to resist all preliminary inquiry, because they did not then know what might be the results of that inquiry, and to say that they would receive only specific bills for every abuse which could somehow or other be proved to them, this bill must, of course, be rejected. But, unless they were prepared to go so far, he could conceive no reason, and he had heard no reason, why the bill should not be committed. It might come

out of the committee a bill much improved, and certainly a bill calculated to do infinite good.

The House then divided: Contents, 10; Not-contents, 8. The bill was accordingly committed.

HOUSE OF COMMONS.

Wednesday, May 27.

FINANCE.] Mr. *Maberly* wished to know whether he had rightly understood the answer of the chancellor of the exchequer to a question put last night by the hon. member for Nottingham? He had understood the chancellor of the exchequer to say, that in consequence of the great amount of exchequer bills already funded, there would be no funding, or raising money by way of loan, either this year or the next. The present amount of exchequer bills in circulation was 44 millions—the sum which would be required for the next year would probably be 14 millions, making in all 58 millions; which, if there was no funding next year, would be kept afloat in the country.

The *Chancellor of the Exchequer* said, that there would be forty-one millions of exchequer bills in circulation at the end of the year, besides three millions lying in the Bank, making together the sum mentioned by the hon. gentleman, 44,000,000*l.*, and being considerably less than the amount of those now in circulation. In reply to the other part of the hon. gentleman's question, he had certainly said that he saw no probability of being obliged to fund or to raise money by a loan next year, having funded so large a sum this year. This statement was founded on the great improvement which had taken place, and on the present flourishing state of the consolidated fund. He added, that the revenue was increasing at the rate of 100,000*l.* per week. The money market was redundant, and the general state of the country highly satisfactory. He had given no pledge, for that, in his official situation, would always be improper, as he could not foresee what circumstances might arise; but he had stated truly, that he saw no probability of being obliged to raise money next year by funding, or by way of loan.

BANKRUPT LAWS AMENDMENT BILL.] Mr. *J. Smith* rose, in pursuance of his notice, to call the attention of the House to the subject of the bankrupt laws. In the last session, a petition had been presented from a large body of mercantile men, complaining of the grievances suffered by the commercial world from the imperfections of these laws. In the committee, which the House had appointed on that subject, those grievances and many others had been proved; and the inefficacy of the present bankrupt system, and the necessity of revising it, had been incontrovertibly demonstrated. The committee had had the benefit of the opinions of some gentlemen high in their profession, and of the most respectable private characters. Their names would be known to every member of the House; he meant Mr. Basil Montagu, Mr. Cooke, and Mr. Cullen. Mr. Montagu had been twenty years commissioner of bankrupts; Mr. Cooke nearly as long; and Mr. Cullen had also been a considerable time in the commission. Mr. Montagu stated, that, in the city of London, there were persons who made a trade of proving false debts on the estates of bankrupts, receiving sums of money for the practice of this fraud. Mr. Cooke spoke not so strongly; but Mr. Cullen made use of this strong language—that the majority of commissioners of bankruptcy might be considered conspiracies between the bankrupt and the petitioning creditor to defraud all the rest. They had another still higher authority—that of the lord chancellor, who had said, after animadverting on a case in 1801, "Unless the court holds a strong hand over a bankruptcy, particularly as administered in the country, it is itself accessary to as great a nuisance as any known in the land, and known to pass under the forms of its laws."* He should now state the leading points in which amendments of the bankrupt laws were proposed by the committee. The first question was, as to the description of persons who should be subject to the bankrupt laws. This was now not regulated by any general rule. An innkeeper was not subject to the bankrupt laws; but if he sold a pot of porter out of his house, he became subject to them. There was a case lately, in which a gentleman who kept a pack of hounds, and was in the habit of buying dead horses to feed them, and who happened to sell the skins of these carcases, was declared subject to the bankrupt laws. A person engaged in mines, and on that account requiring cre-

* 6 Vesey's Reports, I.

dit, by bills of exchange, to the amount of hundreds of thousands of pounds, was not subject to the bankrupt laws; but if he bought or sold a bushel of ore, he became liable to them. The committee, therefore, recommended that the bankrupt laws should be extended to all whose dealings require that credit should be obtained by bills of exchange or otherwise; and that persons who are not generally so engaged, should not be subject to the bankrupt laws, in respect of occasional or casual acts of buying and selling. The next regulation of importance was, as to acts of bankruptcy. The act of bankruptcy, on which commissions were at present generally issued was, the debtor denying himself to the creditor to avoid a demand for debt. It was evident that this must be done in concert with the debtor, and if he did not wish to become a bankrupt, there was no way but by arresting him, and keeping him in prison two months; but as it was no difficult matter to obtain bail, he might avoid being imprisoned so long, that in the mean time he might pay the debts of his own family or friends, and only go into the Gazette when all his property was disposed of or dissipated. The committee had thought it desirable that traders believing themselves to be insolvent, or not having the present means of paying their debts, should be permitted to subscribe and lodge with the secretary of bankrupts a declaration thereof, which should be advertised in the Gazette, and thenceforth be deemed an act of bankruptcy. The committee had also thought that it would be beneficial, if the following additions were made to the acts of bankruptcy now established by law, viz.—

"General stoppage of payment for seven successive days.—Being absent from home thirty days, without making provision for bills of exchange, promissory notes, or ordinary payments, becoming due.

"That after notification in writing left at the house of a trader twice repeated, allowing a period of seven days between each, informing him of a writ having been issued, his not entering an appearance, or putting in bail within nine days after the third notice; and in case the bail shall be excepted to, then not justifying bail in due time after such exception, such trader should be deemed not to have put in bail within the meaning of this regulation; provided such trader shall be within the United Kingdom at the time the first notice shall have been so left.

"A trader staying abroad to defeat or delay his creditors, although he may not have gone abroad with that intention.

"A trader remaining in prison upon civil process for fourteen days."

Other regulations were proposed respecting warrants of attorney and deeds of trust, with which he would not then trouble the House. The next point he should mention was, an improvement in the regulation for securing the effects, books, and papers of the bankrupt. The messenger was now appointed by the solicitor of the bankruptcy, and thus if that solicitor had a leaning towards the bankrupt, the taking possession of the property was merely nominal. The messenger himself, in fact, did not take possession at all, but a poor fellow was put in the house at 3*s.* a day, who did nothing, and who merely lived with the servants of the bankrupt, if he was in easy circumstances. He should propose that the messengers should be made independent of the solicitors. Another great grievance in the present system was, the facility of proving debts on a bankrupt's estate. One of the commissioners had stated, that the whole proof of a debt was, the walking down to Guildhall and taking an oath. He did not attribute blame to the commissioners; considering the manner in which they were encumbered, it was surprising that they did so well. Guildhall, on a busy day, could be compared to nothing but a cock-fight; it was difficult to conceive a scene of greater confusion. This facility of proving debts led to perpetual fraud and perjury. As to the conduct of the business of the commissioners, the committee was of opinion, that though regulations would be advantageous, the power of making them should be in the hands of the commissioners themselves, especially if additional room could be obtained for their accommodation. It was also proposed, that the particulars of any debt proposed to be proved should be delivered in to the commissioners four days prior to the proving. It was also proposed, that a registry should be established, to contain all information respecting bankruptcies, to which the public might apply. He should also propose to give the commissioners the power of striking off debts which had been improperly proved; for, at present, if a debt was admitted, though it was discovered that it was a bad one two minutes after, the commissioners had no power to expunge it, except on petition

to the chancellor—a remedy often worse than the disease. He proposed to arm the commissioners with this power. The next provision he should mention was respecting the nomination of assignees. In Scotland, the provisions of the law respecting the sequestration of bankrupt's effects, were perfection itself, compared with the law in this country. A bill on that subject had been brought in by the late Mr. Horner and some other members, which had been imitated in the provisions he proposed. Two or three assignees were now appointed by the majority of the creditors, who were placed in a most unpleasant situation. As many bankruptcies were concerted, the bankrupt might at any time turn round on the assignees and prove the invalidity of the commission. The assignees were then liable to be called on to refund all the sums which they had received and expended, and also open to actions for interfering with the bankrupt's property. A man in this situation, not ten days ago, had been cast in an action in 500*l.* damages, and an execution had been put in his house on the judgment. He proposed that a new officer should be appointed, called an agent (similar to the trustee in Scotland), to be appointed by the creditors, subject to the approbation of the commissioners, and who should give security for good conduct, and be remunerated for his trouble. The next point, and that of the greatest importance, was the facility with which dishonest bankrupts obtained their certificates, and the absence of discrimination between the culpable and the unfortunate. Persons had been known to prove debts to a great amount, to be able to join in granting a certificate, and it was rather more easy for a fraudulent than an honest bankrupt to obtain it. To elucidate what the law was, he should state a case in which a bankrupt had been known to have had 17,000*l.* a short time before; and being asked to explain how he spent it, answered very truly, that he had spent it in different sorts of profligacy and debauchery, which he detailed. Yet he had his certificate, and by law was entitled to it.—He proposed to enact, that every certificate should be signed by four-fifths of the creditors, in number, and value, and it should be made a part of the duty of the commissioners to inquire into the previous conduct of the bankrupt in contracting his debts.—Another point which it was important to consider, was, the capital punishment denounced against bankrupts in certain cases. Much had been said, and, in his opinion, very justly, against the general efficacy of severe punishments in the prevention of crime; but in this case there was proof, ample proof, of that inefficacy; for the penal law had produced no good effect, but rather the contrary. A better system should therefore be devised. He also thought that a liberal allowance should be made to bankrupts, in order to encourage them to assist their assignees in the recovery of debts. This allowance should, in his opinion, be equal to 5 per cent upon the total amount of the dividends, or such farther percentage as the commissioners of bankruptcy should, upon a consideration of all the circumstances of the case, think it proper to award; but that in no case the allowance to any bankrupt should exceed 2000*l.* This allowance might appear to some persons rather too much, but to those who were acquainted with the number and the nature of bankruptcies, and how much depended upon the activity and zeal of bankrupts in the recovery of debts, that sum would be deemed comparatively immaterial. It was, in fact, in many instances, quite immaterial, considering the extent of the debts due to a bankrupt, and what aid he could afford in their recovery.—Here the hon. gentleman again referred to the evidence of Mr. Cullen, from which it was evident that the system of managing the business of the commissioners of bankruptcy required considerable improvement; the business was, in fact, very ill managed at present. This he said with regard to London; but in the country the system was grossly defective; for while the commissioners of bankruptcy were in the former appointed by a judge competent to decide upon their qualifications, in the latter they were selected by the solicitor of the commission, this solicitor being probably influenced in his selection by a calculation upon those who might have an opportunity afterwards of appointing himself to a commission of the same nature. The latter system was liable to such objection, that lord Rosslyn some years ago issued a list of those legal gentlemen from among whom eligible persons might be selected for commissioners of bankruptcy in the several large districts throughout the country. But when it was proposed to the present chancellor to appoint commissioners of bankruptcy in those districts, he

rejected the proposition, from an impression of its impropriety; nay, his lordship declined even to fill up the vacancies occasioned by death in the list promulgated by the order of lord Rosslyn. The hon. member proposed that the trial of commissions of bankruptcy in the country should be put an end to altogether, and that such trials should take place exclusively in London. Such an arrangement might be deemed inconvenient, but he was fully assured that it would be productive, on the whole, of much less expense and more justice.—These were the views of the committee of which he had the honour to be a member, and which had been sitting about two years, during which they had investigated the subject with all the diligence in their power. If it were said, that he ought to have brought forward the subject at an earlier period of the session, he should state in his justification and that of the committee, that the proposition was not delayed longer than appeared necessary to enable the committee to complete its labours. The subject was found by the committee to be attended with great difficulties; to be involved, indeed, in such legal subtleties, that the employment of a solicitor was felt to be indispensable. They had accordingly employed Mr. Freshfield, from whom they had received the most important assistance. The committee had, in the course of its inquiries, directed its attention to Ireland, and upon consulting several Irish gentlemen, they found that the sister island was not merely as ill off as this part of the United Kingdom, but really rather worse. He understood, however, that it was the intention of that part of the administration which was connected with Ireland, to propose, for the benefit of that country, any law which might be adopted upon the subject, and found advantageous in England. The hon. member concluded with moving, "That leave be given to bring in a bill to alter and amend the laws relating to Bankrupts."

Sir *J. Newport* observed, that the bankrupt law, which was rather a novel system in Ireland, was found so injurious in that country, that the wish of the reflecting and honest part of the people was rather to have the law abolished altogether, than submit to it in its present state. It was, in fact, impossible that any system of commerce or fair credit could go on, or that fraud could be guarded against, under such a system as the bankrupt law in Ireland was at present.

Mr. *Wrottesley* complimented the hon. mover, on the great industry and ability which he had exerted in the inquiry. He was of opinion that half the evils complained of would be done away if the commissioners of bankrupts were better accommodated. The city of London he knew were of opinion that they ought to sit in Guildhall, but he was of opinion, if a situation were chosen half way between Guildhall and Lincoln's Inn, that it would be found equally convenient. The gentleman who had built the Custom-house, Mr. Peto, had bought Furnival's Inn, from the Society of Lincoln's Inn, and had made an offer to build proper accommodation for all the commissioners, and the money to be paid by instalments. Such an offer was worthy of consideration.

Mr. *Lockhart* expressed the satisfaction he felt at the appearance of this report on a subject to which he had long looked with the most serious apprehensions. The present state of the bankrupt laws led to practices which were dangerous both to the morals and property of the country. He was happy to find the House disposed to establish a discriminating power between the honest and the fraudulent trader, by making it the interest of the bankrupt to disclose the state of his affairs. He approved of making the certificate depend on the good conduct of the party, and of vesting a considerable discretion in the commissioners as to the amount of the allowance.

Mr. *Finlay* assured the House, that whatever might be the merits of the report, they were chiefly attributable to the talents and unwearied industry of the hon. mover. He believed nothing could be better than the law for distributing bankrupts effects in Scotland, and nothing worse than the system as it existed in Ireland.

Leave was given to bring in the bill.

LAND TAX ASSESSMENT IN WESTMORLAND.] Mr. *Brougham* rose to call the attention of the House to what must be regarded as a most flagrant attempt to interfere with the right of election. Here the hon. and learned gentleman read a notice lately circulated in Westmorland, from the clerk of the commissioners for assessing the Land Tax, of which the following is a copy:—"To the Assessors of the Land Tax for the township of——Take notice

that you are not to make out any assessment of the land tax till farther notice. John Thompson, Clerk. Kendal, 9th May, 1818."—Gentlemen were aware, that if the freeholders were deprived of an opportunity of having themselves assessed to the land tax, they must be virtually disfranchised. There were two ways in which a notice of this nature might operate: first, if freeholders were not assessed six months before the election, they were not entitled to vote. If it were said that the dissolution would take place so soon, that this was a trick without an object, he would answer, that he did not know that the dissolution would take place so soon, and that it might be postponed to such a period as would give a mischievous operation to this trick. But there was another mode in which this notice might have a bad effect. It was notorious, that if the land tax was redeemed, there would afterwards be no occasion for assessment; but then that redemption could not take place without previous assessment, and this circular was therefore calculated to prevent such redemption. It was clear, then, that this circular had a direct tendency to operate against *bonâ fide* voters, by precluding them from putting their names upon the register of assessment. This notice formed, in fact, one of the grossest attempts to defraud men of their right of voting, that ever, perhaps, was brought under the consideration of that House. But the attempt was still more to be reprobated, in consequence of the quarter from whence it came. According to the established law of the country, any person concerned in collecting the taxes was forbidden, by severe penalties, from interfering in elections. Any such officer, indeed, interposing in any degree with elections, asking an elector to vote or not to vote, was subject to a pecuniary penalty, as well as to be dismissed from his office, and incapacitated from holding any office under the Crown for ever afterwards. But how much worse was the Tax office who took such steps as must render it impossible for electors to vote at all? and such was the tendency, if not the intention, of the notice which he had just read. This notice involved, indeed, not only a breach of the elective franchise, but a violation of the privileges of that House, inasmuch as its privileges were bound up with the rights of its constituents. For he apprehended that it was the duty of this officer to collect the taxes in the most expeditious manner. So then, if he did not collect the tax from A or B as soon as was practicable, such an officer must be guilty of a breach of duty. But here was a case in which a collector of the taxes spontaneously and wantonly created an obstacle to the performance of his own official duty. The case was so peculiarly flagrant, that he felt himself bound to bring it under the consideration of the House. Before any other proceeding was instituted, it was necessary to move for "Copies of all Letters or Notices issued by John Thompson, Clerk to the Commissioners of the Land Tax in the town of Kendal, relative to the Assessment of that Tax, during the last two months, together with the Names of the Commissioners or other persons by whose authority he issued the same." The latter part of the motion he proposed because he could not suppose that a notice of this nature emanated solely from John Thompson, and he could not apprehend that any part of the motion would be opposed, because it was impossible to conceive that any minister of the Crown, or any member of that House, could have any concern in such a transaction, or the slightest wish to shelter it from exposure and reprehension.

Mr. *Lushington* rose, not with any view to oppose the motion, but to state the result of the inquiries which he felt it his duty to make respecting this transaction. He found that no such order as that alluded to had been signed or sanctioned by the Treasury, nor had the subject ever been brought under the consideration of that board. The Tax office, he ascertained, had been applied to in the month of April, upon the subject of some cottages of the value of 40*s.* each, which had never before been assessed to the land tax, and the answer was this, as he was informed by Mr. Lowndes, that the question did not so much refer to the value of the property sought to be assessed, as to the title of the proprietors. From the time this answer was returned the Tax office had heard nothing farther upon the subject.

Mr. *Brougham* expressed his astonishment that Mr. Lowndes, or any officer of the government should direct any inquiry to be made into the title of a freeholder to his property before his freehold was assessed to the land tax. For no such inquiry was ever contemplated by the law,

and its enforcement would obviously tend to produce great embarrassment, if not to deprive many freeholders of their right of voting. He always understood that it was the duty of collectors of the revenue to collect as much as they could, but it would seem from what the House had just heard, that those collectors should be very scrupulous about receiving taxes.

Mr. *Lushington* said, that the learned gentleman had misunderstood him; for the note which he had received from Mr. Lowndes merely stated, that the commissioners for assessing the land tax, were empowered to assess freeholds, even under the value of 40*s*., but that the mere assessment to this tax did not constitute the right of voting.

Mr. *Brougham* acquitted Mr. Lowndes, upon the hon. member's explanation, of any intention to direct that the land tax commissioners should inquire into the title of freeholders who sought to be assessed, but condemned the delivery of any opinion at all upon the right of voting by this, or any other tax officer, upon a question relating alone to taxes.

Lord *Lowther* thought it proper, after what had passed on this subject, to state that he knew nothing at all relative to the letter which had been mentioned, except what he gathered from a London newspaper. He understood that it had been copied into that paper from a county paper, and upon reference to it, he found it to be of such a nature as to throw discredit upon the truth of it altogether; for this, which purported to be a copy of the letter, was followed by a paragraph, intituled, "Election Squib," containing a despicable and insidious falsehood, the whole object of which was to depreciate a certain class of voters.

Mr. *Brougham* did not, in the least degree, intend to impute to the noble lord any knowledge of the letter. He believed the noble lord knew no more about it than he himself did.

Mr. *Wynn* observed, that the Tax office had nothing at all to do with the matter in question, except so far as it related to the revenue; and that least of all ought it to have interfered for any electioneering purpose. Such interference was unconstitutional, and improper to a degree that required the utmost reprehension.

Sir *James Graham* said, he was convinced, if there was any such letter at all, that that which had been given in the newspaper, could not be the whole of the letter. He did not believe that any such letter as that signed "John Thompson" had ever been written. The main fact was, that many persons had been pressing forward in the county of Westmorland, claiming to be assessed who had never before been assessed for the land tax, and whose ancestors even had never been assessed. Under such circumstances, it was very natural that the commissioners for the tax, should have directed inquiries to be made into such cases. But he should be glad to see the whole correspondence which had passed on the subject. Of this he was certain, that those with whom he was connected had nothing at all to do with the transaction.

The motion was then agreed to.

COMMISSION TO EXAMINE INTO THE ENGLISH COURTS OF JUSTICE.] Sir *John Newport* rose, pursuant to notice, to submit to the House a motion relative to the Commission appointed two years ago to inquire into abuses in the Courts of Justice in England. The motion which he meant to propose was founded on a passage in the tenth Report of the committee of Finance, which alluded to the proceedings of these commissioners. At the time when the House agreed to his motion for the appointment of these commissioners, he had expressed his decided opinion, that no master in chancery, or person engaged in the business of that court, ought to be nominated as commissioners. Contrary to his opinion, however, the commission, as now constituted, included Mr. Campbell, and Mr. Alexander, two masters in chancery, besides other gentlemen in the profession of the law, and they had all salaries of 1,200*l*. a year. Why they should be so largely paid, when the commissioners appointed for the same purpose in Scotland had only 800*l*., he did not know. But although more largely paid, it appeared, that instead of doing their duty with more activity than the Irish or Scotch commissioners, they had been much less active. The Irish commissioners had presented several reports, and the Scotch commissioners had presented four: whereas these English commissioners had presented only one report. And even in this one report, they had committed so signal a mistake, that they had been obliged afterwards to make up a separate appendix or supplement to correct it. The mistake

was, that by their report they had sanctioned the payment of a fee of from one guinea to twenty-seven shillings, which it had been usual to pay on the admission of solicitors to practise in the court of chancery, although there was in existence an act of parliament which expressed directly that such fee should not, in any case, exceed one shilling. Some kind friend having pointed out the blunder, the commissioners published the supplement to their report, stating that they had overlooked this act. This single instance would enable the House to judge of the mode in which these commissioners executed their duties, and of the superior fitness of masters in chancery to form a part of such a commission, when they overlooked an act relating to the business of their own offices. Yet this commission had already cost the country 21,000*l.*, although the Irish commission, which had done its duty so much more effectually, cost only 16,000*l.*; and the Scotch commission only 10,000*l.* He therefore moved,

"That the Committee of Finance having, in their tenth Report, brought under the view of the House the appointment of two masters in chancery as commissioners to examine into the English courts of justice; and having adverted to the considerable expense incurred, and the tendency to prolong their duration, in commissions of this nature;

"The House does entirely agree with their committee in the opinions there expressed, that no unnecessary delay should be allowed to take place, that frequent returns of the progress of those commissions should be submitted to the House, and that an expeditious and diligent execution of such important examinations can hardly be supposed where any of the commissioners have other official duties to perform"

Mr. *Bathurst* opposed the motion, and defended the conduct of the English commissioners. With respect to the neglect, on which the right hon. baronet dwelt, he read the act in which the abolition of the fee in question had been rendered perpetual, and in which the subject was mixed up with various others of a heterogeneous nature, and asked whether it was so very culpable on the part of the commissioners not to have adverted to an act under such circumstances, which had not been enforced for so many years? With respect to masters in chancery, he conceived them highly proper persons to be on such a commission; for although they were unable to devote their time exclusively to the object of the commission, yet their experience atoned for that inconvenience. Comparing the number of days occupied by the English, the Irish, and the Scotch commissions, and the number of pages in the reports which they had submitted to the House, he showed, that, in both respects, the English commissioners had the preponderance: and he described particularly the elaborate manner in which they had proceeded in their inquiries; so that, in his opinion, there was not the slightest ground for the censure cast on them by the right hon. baronet. Under these circumstances, he objected to a resolution which was founded on mere truisms; and should therefore move the previous question.

Mr. *Courtenay* corrected the right hon. baronet with respect to the nature of the particular fee in question, which fee, it had been the practice for thirty or forty years to pay, and which the commissioners, on investigation, found to be but a reasonable remuneration for the labour performed. To have omitted to discover the abolition of this fee, in an act which embraced a variety of unconnected subjects was the single blot which the right hon. baronet had been enabled to discover in the proceedings of the commissioners. If the right hon. baronet could adduce any more serious charge against those gentlemen, they would be most anxious that he should bring it forward, that it might undergo a thorough investigation; in which case he was persuaded it would appear that their duties had been most anxiously and faithfully performed.

Mr. *Webber*, adverting to the comparison made by the chancellor of the duchy of Lancaster, between the labours of the English, Irish, and Scotch commissions, defended the Irish commissioners from the imputation which that comparison implied, and contended that they had performed their arduous duties in the most exemplary manner.

Mr. *Bathurst* disclaimed the intention of making any invidious comparison between the commissioners.

The *Solicitor General* observed, that the object of his right hon. friend, in the comparison which he had made, was merely to show that, the Irish and Scotch commissions having done well, the English commission had done at least as

much; and thereby to rescue them from the censure of the right hon. baronet. The hon. and learned gentleman then defended the conduct of the commission, and observed, that as there was no ground for complaint, and as the motion simply involved an abstract proposition, he must support the previous question.

Sir *C. Saxton* eulogized the conduct of the Irish commission, particularly in respect to the minuteness with which they had entered into the investigation of the subjects before them.

The *Attorney General* maintained that no imputation was intended to be cast by his right hon. friend on the Irish commissioners who had performed their duty as ably as possible. The English commissioners deserved the same praise. Every body knew the high character of the learned individuals who formed the English commission. If to have overlooked the obscure statute in question was a sufficient disqualification for a commissioner, there was not a lawyer in Westminster Hall fit to be one. The members of the commission had been selected with great judgment, and were well associated for the purposes they had in view.

Mr. *Lockhart* thought that such a passage as that in the statute in question, might have escaped the vigilance of any man. So far from being liable to censure, he conceived that the commissioners were entitled to great praise for their exertions.

Sir *J. Newport* made a short reply, in which he insisted that it was not fitting to appoint persons to examine into the legality or expediency of fees in their own offices, and observed, that when the masters in chancery were first appointed, he had made the same remark.

The previous question was then put and agreed to.

HOUSE OF COMMONS.

Thursday, May 28.

REPORT OF THE SELECT COMMITTEE ON THE USURY LAWS.] Mr. Serjeant Onslow presented the following REPORT:

> The SELECT COMMITTEE appointed to consider of the effects of the laws which regulate or restrain the Interest of Money, and to report their opinion thereupon to the House; and who were empowered to report the Minutes of the Evidence taken before them;—
>
> Have, pursuant to the Order of the House, examined the Matters referred to them, and have agreed upon the following RESOLUTIONS:
>
> 1. That the laws regulating or restraining the rate of interest have been extensively evaded, and have failed of the effect of imposing a maximum on such rate; and that of late years, from the constant excess of the market rate of interest above the rate limited by law, they have added to the expense incurred by borrowers on real security, and that such borrowers have been compelled to resort to the mode of granting annuities on lives, a mode which has been made a cover for obtaining higher interest than the rate limited by law, and has farther subjected the borrowers to enormous charges, or forced them to make very disadvantageous sales of their estates.
>
> 2. That the construction of such laws, as applicable to the transactions of commerce as at present carried on, have been attended with much uncertainty as to the legality of many transactions of frequent occurrence, and consequently been productive of much embarrassment and litigation.
>
> 3. That the present period, when the market rate of interest is below the legal rate, affords an opportunity peculiarly proper for the repeal of the said laws.

The Report was ordered to be printed, and Mr. Serjeant Onslow gave notice, that early in the next session he would bring in a bill to repeal the Usury Laws.

PORTUGAL SLAVE TRADE TREATY BILL.] Lord Castlereagh moved the order of the day for the third reading of this bill.

Dr. *Phillimore* objected to the Bill, upon the ground, that the present was the first time that the legislature had interfered for the purpose of justifying officers in detaining ships belonging to the subjects of a foreign state. He conceived such an enactment to be at the least superfluous, as the authority for the object specified emanated from the prerogative of the Crown, and the act of the Crown was the act of the nation. Parliament could not therefore be called upon to legalize the act of detaining the subjects of any foreign power, and in the case under consideration, the subjects of Portugal were considered by the act of their own government. But the enactment was not only superfluous in consequence of the

undoubted prerogative of the Crown; it had also a tendency to establish a dangerous precedent. The Crown of Spain had accepted a stipulated sum from this country, for abandoning, after a certain specified time, the traffic in slaves. In consequence of that agreement between the two Crowns, the subjects of Spain were precluded from prosecuting their claims in the courts of this country. Whatever individual hardship there might be in this proceeding, its legality had never been doubted, and no enactment had ever been thought necessary to legalize it on the part of the legislature. The case of an embargo presented a complete analogy. Should Portuguese ships be brought into this country by virtue of an embargo laid on by the executive government, and should the transaction afterwards terminate amicably, would any enactment be necessary for the justification of the officers who had detained the ships in consequence of the embargo? The proceeding was perfectly legal, in consequence of the right of making peace and war being vested in the Crown, and an embargo was an act of hostility. That case bore a complete analogy to the present, and it would be idle to interfere with the constitutional law of the country. As the enactment was both superfluous in itself, and might lead as a precedent to dangerous consequences, he should move that it be expunged. He also saw with regret an article in the treaty for the appointment of commissary judges and commissioners of arbitration, for the adjustment of disputed claims. By the law of nations, the practice had been, that all disputed captures should be adjusted by the tribunals of the country of the captors, and not the country of the captured; and the House must be aware, that otherwise justice could not be impartially administered. That had been the decided opinion of the most eminent lawyers of this country, in answer to the Prussian memorial on this subject in the year 1753. But by the enactment of the present bill, with respect to the commissioners of arbitration, a ground would be laid for neutral nations to renew the claim of having contested rights tried by the tribunals of the country from whose subjects the property had been captured. He felt it right to call the attention of the House to these points. Though the principle had been departed from in the case of Spain, he had hoped that Portugal would have had faith enough in the justice of Great Britain to have abided by the decision of her ordinary tribunals of international law.

Lord *Castlereagh* trusted he should be able to show that the hon. and learned gentleman had not taken a correct view of the subject. The principles that had been laid down by the hon. and learned gentleman did not apply to the present convention, nor was the question a question of war, as the case had been erroneously argued. The convention between this country and Portugal was not to be looked upon as proceeding from the sole prerogative of the Crown. It was of the nature of a special regulation, and left the law of nations exactly as it stood before. The convention had reference to the particular case of the detention of ships having slaves on board, and made no alteration in the law of nations. Whether the convention was good or bad, wise or unwise, it stood upon its own footing; it did not proceed from the prerogative of the Crown, and the right of making war and peace, and consequently could not derive its justification from that prerogative. The second objection of the hon. and learned gentleman had been to the nature of the tribunal for deciding the disputed claims: that it was not a tribunal of the country of the captors, but one of a mixed nature. It was undoubtedly true, that this country would not suffer a foreign tribunal to determine disputed claims during a period of war; but the case was widely different respecting an amicable convention. As foreign states would not in time of peace submit to the tribunals of this, to them a foreign country, the only expedient had been to create a mixed tribunal; and no option was left but to adopt this expedient, or to abandon the cognisance of the different cases that might arise to foreign tribunals. The convention had not proceeded from the prerogative of the Crown, as connected with a state of war or peace. The safe course was to frame a bill with such enactments as would cover all legal proceedings, by which an avenue would not be shut against foreign powers that complained of injustice. By the appointment of a mixed tribunal, a final decision of the cause would be gained, which would not be the case should it be sent to the ordinary tribunals. The case was one of special policy, and a general enactment was necessary to cover all the questions that might arise. If the amendment was moved, he should give it his negative.

The *Attorney General* stated, that without the enactment in the bill, an action of trespass might be brought against a British officer detaining a Portuguese ship, as had happened in the case of an American vessel detained for a supposed breach of the Navigation act. In the case of prizes alone could the prerogative of the Crown avail the captor, as with prizes the courts of law had nothing to do. It seemed in every view of it necessary that the enactment should be made. It related to a different question from that of prize. Courts of prize were established by nations for adjudication in times of war. We should certainly not choose that a Portuguese tribunal should judge of matters respecting our vessels taken by them. A mixed jurisdiction had therefore appeared the most satisfactory and proper.

Mr. *J. H. Smyth* adverted to what had passed at the congress at Vienna, and wished to know what steps had been taken to induce Portugal to abandon the Slave-trade altogether. All the other powers had agreed to the abolition, and Spain had fixed it for 1820. Portugal was the only government that continued this trade. He was aware that the Portuguese slave traffic might be considered of a mitigated character, as it passed between their own ports. He allowed that the two treaties with Spain and Portugal must be as regarded very beneficial to the cause of abolition, and might produce incalculable benefits. The abolition of the trade north of the line, too, was very important. He thought, however, it was rather too much for Portugal now to patronise this trade, when all other states had given it up; particularly when the king of Portugal owed his crown in Europe to the exertions and bravery of ourselves and our allies. He did not mean to speak disrespectfully of any foreign monarch or state, but he must advert to this solitary exception of Portugal, even after she had renounced the trade by her professions. A degree of disgrace must fall on that state if she persisted in differing from the other powers. It had been provided at Vienna, that the allied powers should concert measures, to put an end to this traffic, and if Portugal persisted in it, it was fit this stipulation should be carried into effect. He wished to add, that Portugal had not the slightest claim to pecuniary compensation.

Lord *Castlereagh* stated, that the ambassadors of the five allied powers had signed at Vienna an additional article, having for its object the abolition of the Slave trade, and made a solemn declaration to that purpose. Spain having consented to renounce the Slave-trade within a limited period, a communication to that effect had been made to the king of Portugal about two months ago, by the ministers of the five allied powers, in the hope that the example might be followed on the part of Portugal. But he was unable to state how that communication had been received, no intelligence having yet arrived from Brazil.

Dr. *Phillimore* submitted to the authority of the attorney-general as to the law respecting vessels seized, but confessed that he was not able, from any thing which had been said, to distinguish the seizure of vessels under this treaty from the case of an embargo.

The Bill was read a third time, and passed.

Poor Laws.] Mr. *Sturges Bourne* gave notice of his intention to move on Monday, that the Statement of the General Assembly of the Church of Scotland, with regard to the poor of that country, should be laid before the House. This document he deemed of a very important character, conveying, as it did, intelligence of the most useful nature; and therefore he wished to have it laid before the House, with a view to assist its judgment upon the interesting question to which he referred. He was sorry that he happened not to be in the House when an hon. and learned gentleman gave notice of his intention to bring forward some propositions upon the subject of the Poor Laws, because he would have taken that occasion to inquire after that, which, as a member of the committee upon the Poor Laws, he was naturally anxious to learn —namely, what were the hon. and learned gentleman's views upon the subject. Those views would, no doubt, have been very useful to that committee, which, he regretted, the hon. and learned gentleman had been unable, from the variety of his avocations, to attend.

Mr. *Brougham* concurred with the right hon. gentleman in his view of the value of the document to which he had referred; for none were more qualified to judge of the exigencies of the poor, and of the best mode of providing for the relief of those exigencies, than the members of the general assembly of the church of Scotland, in which country, although there were no

Poor Laws, the poor were not unprovided for. With regard to his own views upon the subject of the Poor Laws, it was his intention to have submitted those views to the House within the present session, in the shape of Resolutions, which should fully explain his opinion; but he was prevented from so doing, by the variety of his avocations, and especially by the pressure of his engagement upon the subject of charitable institutions; for this pressure was of an extraordinary character indeed, as independently of the mass of documentary evidence communicated to the committee, it was occupied three or four hours each day in the examination of parole evidence. To this it was material to attend, as it was justly felt desirable that a report from that committee before the termination of the session should be made; his time was therefore filled up, as he had to draw up the report upon a subject, to which the country anxiously looked. For this reason, among others, he had been obliged to decline the proposition of any resolutions upon the subject of the Poor Laws. He was, indeed, unwilling to bring forward those resolutions until he could accompany the proposition of its principles with the statement of his details; for there were many who might be scared by the former, unless they had an opportunity of considering the latter. Therefore he declined to submit his plan to the House until it was accompanied by a complete explanation. This explanation he had not yet had time to digest, in consequence, particularly of his employment in the committee upon the subject of charitable institutions. It might be asked, why should the committee upon this subject continue to sit, after it was determined in the bill which had passed the House, to appoint a commission of inquiry by the government? He would immediately abandon the committee, if he could look with any confidence to the commission; but he must say that he could not be satisfied with the prospect of such a commission after what had recently transpired. When he heard of objections elsewhere, to the purpose of this inquiry proceeding, he would not say from any fellow feeling with the abuses which it was intended to correct, or from any personal interest in those abuses, but from grounds which had been unaccountably conjured up with a view to palliate resistance, he could not look to the proposed commission with any very sanguine calculation. He had heard of a learned person stating elsewhere, that however well inclined to the proposition of this inquiry originally, he was adverse to the bill to which that inquiry referred, because, truly, that bill had been lately very much altered. But what would the House think of this statement when informed that all the alterations which had taken place were suggested by that learned person himself [Hear, hear!]; that indeed every one of those alterations was written by that learned person, and consented to with a view to do that which was almost impossible, namely, to settle his doubts [Hear, hear! and a laugh.] That such was the fact he was able to show from the manuscript of the person alluded to; which manuscript was in his possession. The main objection to the proposed inquiry was, forsooth, that it might go too far. What! go too far in exposing and correcting abuses! But if the bill should be returned to the House with those clauses which it had rejected by decisive majorities, he trusted its spirit and principle would repel the mockery. The House was indeed called upon to do so from a respect to the opinion of the country, as well as from a solicitude for the object, and a regard to the character of its own consistency; but, upon the grounds he had stated, he felt the propriety of urging the committee to continue its investigations. The result of those investigations would, he had no doubt, serve to secure the attainment of the object in view, in spite of timid, panic struck alarmists—in spite of sceptical, speculative legislators—in spite of quibbling, subtle lawyers—in spite of those whom he was unwilling to name [Hear, hear!]. The committee upon this subject would, he trusted, prosecute its inquiries, and avail itself of its privileges and power to collect the fullest information with a view to attain the object in view. The spontaneous communications to that committee manifested the interest universally felt in that object. All parts and parties, all sects and classes of the people, evinced their desire to promote the purposes of the committee; and whatever might be the power which resisted, or the artifice which thwarted that purpose, he had no doubt that the sense of the country would serve to insure its success. The hon. and learned gentleman concluded with giving notice of a motion for Tuesday, upon the subject to which his observations referred.

HOUSE OF COMMONS

Saturday, May 30.

ILLICIT DISTILLATION—TOWN LAND FINES IN IRELAND.] General *Hart* rose to bring forward the motion on this subject of which he had given notice. He said, he was perfectly sensible of his inadequacy to introduce a matter of such real moment. He had been urged by many proprietors of land, however, and particularly by a most respectable grand jury at the last assizes, to bring on some motion to the effect of that with which he should conclude. That body had stated it to be their unanimous opinion, that the present existing laws were not beneficial, but the contrary; and that they had produced so many consequences of an injurious nature, that it would be out of his power to enumerate them. He trusted that his inadequacy to do justice to the subject would be excused, and perhaps made amends for, by those members interested in it who were present. By the system of law which existed, the innocent were frequently punished for the guilty. It was impossible for him to enumerate all the instances which had occurred, of the severity with which the law had been administered. That severity certainly had been great; and, the expenses attending the system had been very considerable. In 1814, the expenses incurred in rewards alone, under the present system of preventing illicit distillation, was 8,864*l.*, while 71,000*l.* had been paid to lawyers. Returns had been produced, stating what had been the exact diminution or increase of illicit distillation; and it was proved to have increased since the late severe penalties with which it had been visited. In former times, it had been sufficient to confiscate the property of the distiller, and to punish him; but now the punishment fell in fact, on the township. There was no civilized country in the world where a similar system prevailed, and there was hardly any country where similar practices did not occur; in some parts, indeed the pains, of death were not sufficient to prevent them. The hon. general concluded with moving, "That leave be given to bring in a bill to repeal such parts of the Act of the 54th of the king, and all former acts relating to Distillation of Spirits, as authorize the imposing and levying of fines on Town Lands and other districts in Ireland."

Sir *George Hill* said:—It is much to be regretted that the gallant general—should, just at the close of the session, have proposed so important a measure as the repeal of the whole code of laws applicable to the Irish distilleries. He must know that if an inclination existed to concur in his view of the operation of those laws which, when he considers the recorded opinions of this House, he cannot suppose to exist—time sufficient does not now remain to pass his proposed bill. But the effects of stirring this question, unless the House give a decided negative to it, will be very mischievous, for the unfortunate whiskey smugglers in the north of Ireland are at this time taught to expect that an effort will be successfully made to do away the Townland Fine system, when they might renew their illicit trade which has been nearly crushed by it. The object of the hon. general's motion is, to impeach and repeal this system, the principle of which the House knows is to make the vicinage responsible for the delinquency. It is not at this day necessary to prove that this principle is accordant to the constitution, and to very old Statute laws both of Great Britain and of Ireland—it rests upon the very nature of society, which implies not only that no person shall commit an act directly subversive of its interests, but that reasonable activity shall be used by the members of society in at least their own neighbourhoods, to detect those who do acts contrary to the vital interest of society. These townland fines were enacted by the Irish parliament for the prevention of smuggling, so long back as 1783 and continued with various modifications until the year 1803, when they were for the first time since the Union noticed and amended. In the year 1810, on the proposition of the chancellor of the Irish exchequer (Mr. W. Pole), the parliament suspended their operation for two years, and in the year 1812 repealed them. The immediate consequence of this repeal was an augmentation of illicit distillation to so alarming an extent, that applications, memorials, and petitions were put forth in the year 1813 from most respectable quarters, praying for the re-enactment of those laws which (as petitioners stated) had just when they were suspended began to operate beneficially.

In proof of this, the right hon. baronet referred to various petitions from resident and mercantile gentlemen in Ireland, and particularly of Drogheda, Belfast, Lon-

donderry, and Tyrone, from which he read the following extracts from the Drogheda petition :—" That memorialists request the attention of government to the present unprecedented extent of illicit distillation, which is every day increasing to such an alarming degree that memorialists are of opinion that if government shall not immediately take some strong and well-concerted measures to put a stop to this illegal traffic, it will be a work of many years to suppress it and efface the bad effects of that trade from the habits of the people.—That the mountainous nature of large tracts of Ireland affords facilities to private distillation, and the natural disposition of the people in general throughout these parts of the country induce them to screen and to assist the persons guilty of that offence. And your memorialists submit that no measure can be so effectual to prevent such frauds as measures which would make it the interest of those adjacent to private distilleries to give information against them, and prevent their illegal trade by fastening the consequences of detection on the principal parties, and not as at present on their poor hired instruments. That the fines on the townlands had the desired effect of nearly suppressing private distillation, as at the time that salutary law was repealed, there was not then at work one-tenth of the number of private distilleries that were in use when that law was enacted; and the first disagreeable effects of the laws had nearly subsided when it was repealed.—Memorialists therefore beg leave to recommend to government the re-enactment of the fine upon the townlands as the most effectual means of preventing the offence, and correcting the evils complained of."

The Belfast petition which is signed by nearly one hundred of the principal merchants, contains the following paragraphs: —" That the practice of illicit distillation, to a most unprecedented extent, is now carried on in this country but particularly in this and some of the adjoining counties, you are no doubt sufficiently informed, and the undersigned have to complain of it as a grievance of the most serious nature, the immense quantities of illicit spirits at present consumed in this town and neighbourhood having so far limited the consumption of such spirits as pay his majesty's duties; that the brewing and spirit trades do not afford a livelihood to the one half of those who follow them, indeed such is the supply of illicit spirits in this part of the country that although it is now more than twelve months since distillation from grain was prohibited, there is still a quantity of corn spirits in Belfast, unconsumed.—Amongst the various experiments which have from time to time been had recourse to for the purpose of suppressing illicit distillation in Ireland, the undersigned beg leave respectfully to state, that from the undeniable good effects which it produced in this part of Ireland, none appeared to them to be half so well calculated to accomplish that desirable object, as levying fines of the townlands, where private stills were found; while that salutary law was in force, such was the check given to illicit distillation, that vast quantities of rum and corn spirits were permitted from Belfast into those districts where private distillation had most prevailed, and into which districts, long before that law was enacted, as well as since it was repealed, scarcely a gallon of legally distilled spirits have found their way.—There was no doubt a great outcry made against the impolicy and injustice of levying those fines by some of the townlands, which had been most heavily assessed but while the law provided that in the event of any inhabitant of the townland giving the necessary information to detect the illegal distiller, such townland of course should be relieved from that fine; the inhabitants of such townlands had themselves alone to blame for the heavy penalties to which they were subjected; nor indeed until it again becomes every man's interest to detect and punish the illegal distiller, can it be expected that that illicit traffic will cease. The undersigned being thus deeply interested in suppressing illicit distillation, and in freeing their fair trade from the ruinous interference of the private distiller, beg most respectfully to suggest that the law imposing fines on the townlands where private stills are found, may be re-enacted, and the more these fines are increased, the more certainly will they effect the total suppression of illicit distillation. That punishments adequate to the offence, and such as may deter from the commission of it be inflicted on either public or private individuals detected in purchasing, or having in their possession contraband spirits, and that heavy fines be imposed on magistrates and others so offending, whose duty it is to enforce and maintain, not to violate the law.—In fine the undersigned are willing to express their

firm confidence that such measures will now be adopted as will effectually strike at the root of the evil; and when the power of the law is once so effectually exercised as to prevent the manufacture of contraband spirits, then, and only then will the revenue and the fair dealer be protected from impositions, and only then will all the intricate and grievous oaths, and laws framed to prevent the circulation and consumption of contraband spirits become obsolete and void."

The petition from Londonderry has the following :—" That memorialists request the attention of government to the present unprecedented extent of illicit distillation, which is every day increasing to such an alarming degree, that memorialists are of opinion, if government shall not immediately take some strong measures to put a stop to this illegal traffic, it will, in the end, ruin the public distiller, the brewer, and licensed malster. That the mountainous nature of large tracts of Ireland affords facilities to private distillation, and the habits of the people in general throughout these parts of the country induce them to screen, and to assist the persons guilty of that offence.—That the fines on the townlands had the effect of nearly suppressing private distillation, for at the time that salutary law was repealed, there was not then at work in this neighbourhood any thing like the number of private distilleries that were in use when that law was enacted, and the effects of its repeal has caused the great increase of private distillation, which is fully proved by the want of permitted Irish distilled spirits in this city, there not being now twenty gallons of legal distilled whiskey in the possession of the numerous retailers in this district, nor has there been almost any brought into this part of the country for three years back."

The Tyrone petition states, " That the practice of illicit distillation to a most unprecedented extent is now carried on in this and some of the adjacent counties. You are no doubt sufficiently informed, and the undersigned have to complain of it as a grievance of the most serious nature; the immense quantity of illicit spirits at present consumed here, having so far limited the consumption of such spirits as have paid his majesty's duties, that the brewing and spirit trades do not afford a livelihood to the one-half of those who follow them. Amongst the various experiments from time to time government have had recourse to, for the purpose of suppressing illicit distillation in Ireland—the undersigned beg leave most respectfully to state, that from the undeniable good effects which it produced in this part of Ireland, none appeared to them to be half so well calculated to accomplish that most desirable object, as levying fines of the townlands where private stills were found; while that most salutary law was in force, such was the check given to illicit distillation, that vast quantities of corn spirits were permitted from wholesale dealers, into those districts where private distillation had most prevailed, and into which districts long before that law was enacted as well as since it was repealed, scarcely a gallon of legally distilled spirits have found their way. There was no doubt a great outcry made against the impolicy and injustice of those fines, by some of the townlands which had been most heavily amerced; but while the law provided, that in the event of any individuals of the townland giving the necessary information to detect the illegal distiller, such townland of course should be relieved from that fine. The inhabitants of such townlands had themselves alone to blame for the heavy penalties to which they were subjected, nor indeed until it becomes again every man's interest to detect and punish the private distiller, can it be expected that illegal distillation will cease."

A committee up stairs, composed all of members for Ireland, was appointed in 1813, to whom these and other documents were referred, and they are to be found in the report of that committee; the signatures to them are very numerous, and from the high respectability of the individuals subscribing, they deserved and received very respectful attention, and, without doubt, had considerable influence on the decision of this committee, which almost unanimously, after a laborious investigation, reported and recommended the re-enactment of the Townland Fine laws, which report was approved of by this House, and a bill conformable to it was passed.

Various detections of illicit distilleries were made in the winter; and at the following Spring assizes of 1814, a number of fines were laid on the county of Donegal, and if these fines had been (as they were in other counties) forthwith levied, and as by law they ought to have been levied, much subsequent mischief would have

been prevented. But the high constable of Ennishowen after pretended efforts and various statements of excuse refused to do his duty, although a military camp was formed in the centre of the barony in Summer 1814, to afford him and the peace officers protection. In consequence of this conduct, special collectors of still fines were appointed, and in 1815 considerable exertion was used to fine some of the most inveterate smuggling districts. These proceedings and the particular state of that part of the north of Ireland induced this House, in the session of 1816, to direct a farther inquiry, and a committee up stairs was again appointed. He had the honour to preside as chairman of each of these committees, and with some modifications, this last committee reported in favour of the Townland fine laws, which report was adopted by this House by a very great majority.

This House will perceive with surprise, that all the severity and oppression complained of as having occurred by the operation of this system had taken place previous to the appointment of the committee in 1816, before which committee it was competent to the gallant general to have laid each and every case of alleged hardship. The severities complained of had mostly occurred in the year 1815, when full activity was given to the operation of the law; and since October 1816 to the present time, no more than 500*l.* has been levied of these fines from the county of Donegal, and only one-half of that sum of Ennishowen.

A long detail of grievances has been given in a pamphlet published and diligently distributed by a very respectable clergyman and magistrate of Ennishowen, for whom the right hon. baronet expressed both respect and esteem. It has been, however, answered by a gentleman of the revenue, deservedly in the confidence of the board of excise; the pamphlet was very much directed against the conduct of that board, but the right hon. baronet professed not to refer to either of these publications, neither to the asperity of the attack, nor to the severity of the reply: he deprecated the idea of such documents influencing the decision of the House of Commons, who had their own legitimate mode of procuring such information as elucidation demanded, for the adoption or rejection of any measure proposed.

The board of excise, and particularly the very respectable gentleman at the head of it, were always well inclined to hearken to complaints against their officers, and to punish and give relief in every case deserving of it. In the summer of 1816, a commissioner of that board was sent to the north of Ireland, to investigate the excesses stated by the reverend author of the pamphlet, to have been committed by a collector of still fines in the previous year: the evidence taken in the course of that investigation is printed, and on the table of this House, to which it is more candid to refer, than to the high coloured statements of this pamphlet, and it is but just to observe, that the officer complained against had a most arduous, difficult, and dangerous duty to perform, that much allowance was, from the state of the country, to be made for him, yet he was suspended and dismissed; the excise board have therefore in this and other instances proved themselves alive to any complaints made and proved against their officers.

Here the right hon. bart. entered into a detail of outrages committed by the smugglers of Donegal, arguing that their illicit pursuits had disorganized society, producing conspiracy, murder and assassinations, many of which were related in the pamphlet alluded to, and many of which had occurred before the renewal, in 1813, of the Townland fine system; and he argued that it was not the fine system, but the inveterate propensity to smuggling, and its consequences which had distressed and degraded parts of Donegal. It might be unpopular to say so, but the fact was, that for the last forty years, the manufacture of illicit spirits was a trade pursued in a large part of Donegal, which demoralized and disorganized society, and produced all the shocking consequences of the nature described.

The propensity to smuggling in this district was on record so long ago as the years 1784 and 85, when the Irish parliament threatened to deprive the city of Londonderry of the privilege of being a wine and tobacco port, on account of the inveterate habits of smuggling in Ennishowen, which is so near to it.

The right hon. baronet urged the absurdity of Donegal being the only county where the landlords could not suppress smuggling. It has been suppressed in the neighbouring counties, which had paid severely under the Townland fine law. These counties, without difficulty or arrear, had these fines levied by their own

high constables, whereas the misconduct of the high constable of Ennishowen chiefly caused the necessity of appointing the special still fine collectors, so much complained of, and this high constable of Ennishowen was neither dismissed or punished in any manner by the grand jury of Donegal. What right of monopoly in smuggling (he asked) ought Donegal to claim? not surely a right from usage; and if its delinquency is to be forgiven, the fines paid by Londonderry ought in justice to be refunded. Wherever landlords decidedly and resolutely gave their tenants to understand that smuggling must be got under, they had succeeded. He knew various instances wherein energy and determination had conquered it, and he could not conceive what there was peculiar to the county of Donegal to prevent their success there also. A large tract of country in the county of Tyrone, where fines had been imposed to a considerable extent, had been, by the exertions of the proprietors and their agents, thoroughly cleared of smugglers: similar exertions have been equally successful in the county of Londonderry.

The right hon. baronet conjured the House to hold the principle of Townland fines over the country, as severity was essential to abolish this trade, so baneful in its effects. He stated that the hon. general had attended a meeting of magistrates, in the barony of Ennishowen, in his own town of Muff, in the latter end of 1816, when the fining system had actually been suspended by orders from government, and the gallant general joined in the unanimous recommendation of that meeting to government, to place Ennishowen under the operation of the Insurrection act.

He would here relate one instance of outrage which had been perpetrated during this suspension, and noticed at this meeting, as it proves (amongst many others) the horrid state to which morals have been abased in that country; and which, with strange perverseness, is attributed by some gentlemen to the Townland fines. An organized assemblage of near 200 persons endeavoured four or five different times to way-lay and murder a man named George Balfour, and why? because he had dared to give information where Magenis, one of the murderers of Norton Butler, was secreted. Their plan to murder Balfour was known to many hundreds, and yet no discovery of it was made, and accordingly Balfour was, on the fifth time these miscreants assembled for the purpose, met by them and murdered in the most brutal manner.

This recommendation to government to proclaim Ennishowen, proves decidedly the opinion of the gallant general and the other magistrates, of the state of that barony. The operation of the Insurrection act is far more severe than the Townland fine system, but it would not stop the illicit distillation of whiskey.

It is vain to assert, that smuggling has not been diminished; for the transit of barley across Lough Foyle to Ennishowen, from other counties of the north, and the return again of spirits has totally ceased; the same to Scotland; the smugglers are driven to their most remote fastnesses, and the traffic will, by persevering against it, be at last annihilated. Already four legal distilleries, paying a large revenue, and capable of affording a good price for the barley of the country, are established in the vicinity of Ennishowen. The proper time for this proposal, to abrogate the distillery laws, cannot for one moment be maintained to be at the close of a session of parliament, and the discussion of it calculated to create doubts in the minds of the smugglers, and those who encourage them, as to the continuance of the fining system, will be most mischievous. Under all these circumstances, he hoped the House would on this occasion reject the present motion.

Lord *Compton* pressed upon the gallant general the propriety of withdrawing his motion.

Mr. *Chichester* said, it was impossible that the same measures could be employed to advantage in mountainous districts and other parts. He might ask any lawyer whether it was possible by law properly to make an accessary, before or after the fact, a principal; but by that law the accessary before and after the fact was not only made, but was made a principal. Let the House consider the position in which they were placed by that measure; they must either impoverish districts, or accumulate a charge upon the country. The property that had been charged could not amount to less than 600,000*l*. The sums charged on different parts were enormous, and not one shilling of indemnity had been received from the effects of that unjust and impolitic measure. If the proper powers had been exercised, the practice of illicit distillation would have been put down, and it would not have been necessary to

resort to this unconstitutional measure. At least, it should not have been resorted to till all other means had been tried in vain.

Mr. *Peel* said, the first question that arose was, had the measure been efficacious? If not, there was ground for repeal. It might be efficacious and yet unjust, and then there was no reason why it should not be repealed. It was necessary it should be proved to have been effective not alone in one district. It might, however, have failed in one district, and have been efficacious in the rest of Ireland. There was not one petition against it but from the county of Donegal. On the contrary, documents had been presented proving the system to have been as successful as could have been anticipated. If he compared the number of fines, and found a decrease with the system, then it might be said to be successful. If he examined the rewards to the civil and military power, and found them diminish, then it might be said that it was efficacious. The quantity of illicit spirits increasing, rendered the demand for legal spirits less; but if the latter increased, then he might argue that the system was successful. In five years great alterations had taken place among the fines. In Lent assizes, 1814, there had been 1,327 still fines; in 1815, 1,506; in 1816, 1058; and in 1818, the amount had diminished to 368. The two last years had diminished by one-fourth. Of rewards in 1813, the sum paid to the military and to the civil power had amounted to 21,000*l.*; in 1815, it was 15,000*l.*; and last year 7,000*l.* Last year, therefore, it was one-third of the sum paid in 1813. With regard to legal spirits, in three years in the county of Derry, there had been consumed 18,000 gallons, before the operation of this measure, but in the last three years the consumption had been 111,000 gallons, six times the amount of the former. In Ulster, the consumption for the three last years had been 1,540,000 gallons, a quantity greater than what had been consumed in three years before the measure was in operation. In 1817, the fines on the whole of Ireland, except Donegal, were 593, and in that county 619 more than in all Ireland besides. For the last five years in Kilkenny there had been 13 fines, in Cork 12, in Wicklow 5, in Waterford 3, and in Kerry not one. For these 33, there had been in Donegal 3,400, i. e. for every one in these parts, there had been 100 in the county of Donegal. The question then arose, why could not things be managed differently in that county? There was a variety of causes which operated against that. It was a fact, that, in that county, the tithes amounted in the worst and most remote parts, to 12*s.* per acre. A memorial had been presented by a Mr. Robert Young to the board of excise, in which he had expressed his surprise that he should have suffered more than those who had employed all their exertions to support illicit distillation, though it had been his constant endeavour to suppress it. By the evidence of a revenue officer, which had not been contradicted, a Mr. Lucius Carey had actually imported man-traps, with the avowed intention of catching any revenue officer that might come near them. There seemed to be a particular fondness for illicit spirits in Donegal, which, perhaps, operated as a kind of premium for them. The gallant general, on his examination, on one occasion, had been asked what sort of whiskey was most sought after; to which he had replied, If the people could get any other, they would not drink parliament whiskey. He was asked if he gave his haymakers what he called parliament whiskey (meaning legal spirit); to which he replied, he would not give them that if he could get any other. Many of the inferences that had been drawn on this subject had been totally erroneous.

Sir *N. Colthurst* thought that the system would finally prove effectual in Donegal. Its discontinuance would be the greatest injury to those who had large distilleries.

Mr. *Parnell* said, that the measure was most vexatious. It was not only operative when a still was found any where, but if a worm or any part of a still was found; and it was known that, if any quarrel or disagreement existed, a man had nothing to do but to go and put a still on the person's ground with whom he had quarrelled.

Mr. *V. Fitzgerald* said, that the measure by no means justified the strong expressions that had been used against it. He deprecated the mode in which the gallant general had come forward at such a period of the session, without making a single statement in support of his motion. If in Donegal the measure had not operated, the rule should not be *ex uno disce omnes*.

Mr. *Knox* said, if the question came to a division, he should vote for the repeal.

General *Hart* replied. It had been said,

that he had no grounds for his motion. His grounds were—to prevent cruelty and oppression; and his arguments—that the law provided punishment enough in fine, imprisonment, and transportation. He would pledge himself that every material statement contained in Mr. Chichester's book was correct. The gallant general defended the gentlemen of Donegal, and after giving notice of some farther proceeding in the next session, concluded by expressing his willingness to withdraw the motion at present.

The motion was then negatived.

LAND TAX ASSESSMENT IN WESTMORLAND.] Mr. Lushington presented a copy of correspondence between the tax office and the assessors of land tax in Westmorland.

Mr. *Brougham* wished to call the attention of the House to this correspondence, particularly to the letter of a Mr. Johnson to the commissioners of taxes, in which he describes himself as being the secretary to the committee for managing the election of the present members for Westmorland. He goes on to ask for certain returns of land tax, in which return Mr. Johnson tells the commissioners of taxes that lord Thanet's property need not be included. Now this was the letter of an electioneering agent to the commissioners of taxes, a person who never ought to have been allowed to approach the Tax office; yet to this letter, Mr. Winter, the secretary to the board of taxes, the next day returned a most courteous answer, recognizing him in his character of secretary to the committee for managing the election of the present members, and informing him that the returns for which he asked would be furnished to him by the assessors of the several districts. If, however, any should be wanting there the Tax office would furnish them. This was a most flagrant breach of the privileges of the House, and if notice was not taken of it by the proper quarter, he would himself move to bring the parties implicated to the bar of the House.

The *Chancellor of the Exchequer* said, the whole of this correspondence was new to him, and he wished to have time to make inquiry before he gave any opinion upon it.

Mr. *Brougham* trusted that Monday would not be allowed to pass over without the right hon. gentleman's again mentioning the subject. It did indeed appear to him that there was a system of electioneering policy established in favour of the present members for Westmorland, and that the commissioners of taxes were parties to it. This was one of the grossest attacks upon the freedom of election, that he had ever witnessed, and he trusted the House would not pass it over without showing its sense of it by calling its authors to the bar. The letter to which he had on a former night alluded, namely, that of Mr. Thompson, had turned out to be a real document, and not a fabrication, as some gentlemen had declared it to be in their opnion.

Lord *Lowther* declared himself ignorant of the whole transaction.

HOUSE OF LORDS.

Monday, June 1.

PETITION FROM WESTMINSTER FOR A REFORM IN PARLIAMENT.] Lord King presented a Petition from the inhabitants of Westminster, praying for a Reform in Parliament. It was couched in the same terms as the petition presented this day to the Commons by Mr. Alderman Wood [See proceedings of the Commons].

The *Lord Chancellor* observed, that as the petition stated great lawyers to be men of narrow minds, it was singular enough that the petitioners should have chosen the son of one of those narrow minded persons to present their remonstrance to their lordships. The ancestor of the noble lord who had presented the petition was a warm advocate of the liberties of his country; and he hoped that a descendant of a lord chancellor would always be found ready to bring under their lordships consideration the just complaints of the people; but when the absurdity of this petition, and the language in which it was couched, were considered, he trusted that a descendant of lord chancellor King would not consider it one which their lordships ought to receive.

Lord *Holland* did not see why the absurdity of the prayer or the language of a petition should form an argument for not laying it on the table. That it was unintelligible might be a very good reason for not reading it; but as it had been presented and read, he thought it should be received.

The Petition was rejected.

ALIEN BILL.] Lord *Sidmouth* rose

to move that this bill be committed. He observed, that when the events and circumstances of the French revolution were considered, it was not surprising that the effect of that great convulsion should not yet have subsided. Many of the persons who had taken a part in the overthrow of the French government, and in the attempt to overthrow the governments of other countries, it was true, were dead, but the spirit still existed in many parts of Europe. It was with the view of counteracting the effects which this revolutionary spirit might have in this country that the first alien law had been enacted, and for the same object it was now proposed to continue it for two years longer. It was necessary to keep out as well as to send out of this country those persons who should avail themselves of the vicinity of France to foster a spirit menacing to the security of this and the other governments of Europe. He was aware it might be said that the situation of things was very different now, and at the time when the alien law was first enacted; that the year 1818, with the country at peace, was not at all like the year 1793, and the country at war; but if their lordships compared those periods, they must also take into their consideration the difference of the two measures. It was by no means accurate or just to assert that this measure resembled that of 1793, for they were, in fact, of a different nature. By the act of 1793, aliens were made subject to very severe regulations, and were exposed to penalties if they violated them. They could not land at any port in the country without a licence from the government. The place of their residence was fixed, and they could not travel to a distance of more than ten miles from it without a special licence obtained for that purpose. There were no such provisions in the present bill, which merely proposed to provide for the regular exercise of an authority which, he must contend, belonged to the executive government. It was true that this authority, to the extent to which it had been laid down, was questioned by some; but even those who most objected to the doctrine, admitted that a power for the removal of foreigners in periods of danger ought to be lodged somewhere. That power was one of the prerogatives of the Crown, and it must be exercised in some way or other, either under proclamation or under a legislative enactment. The present bill merely provided for its prompt exercise, and, in fact, tended only to give effect to the prerogative. He was however, ready to acknowledge that such a measure ought not to be adopted without necessity; but the existence of such a necessity was at the present moment unquestionable. At a time when it was a part of the policy of all the governments of Europe to expel from their territories, or place under particular regulations, obnoxious foreigners, was it to be contended that this country ought to form an exception to that policy? Were we to cherish the revolutionary spirit, and to allow all factious individuals to find an asylum in this country? He would ask whether the evil of such a course of proceeding would not be infinitely greater than any that could possibly arise from this bill? Before he moved the commitment of the bill, he should briefly state the nature of a clause which he intended to propose, the necessity of which would appear from the circumstances he was about to state. An act of the Scotch parliament passed in 1685, for the establishment of the Bank of Scotland, contained a clause by which all foreigners holding shares in that bank became thereby naturalized subjects of Scotland, and, according to the act of Union, all subjects of Scotland were naturalized in England. It appeared, therefore, that any foreigner, by investing a small sum of money in the Bank of Scotland, might become a naturalized subject of Great Britain. All the pains which their lordships had hitherto taken in framing regulations for naturalization, and all the precautions adopted in passing naturalization bills, might have been superseded by the short process he had described. At the expense of a very inconsiderable sum, any foreigner might become a subject, and all alien bills would be of no avail. His attention had been called to the effect of this act of the Scotch parliament only within these few days. Had the discovery been made at a more early period of the session, he should have proposed a short bill to meet the case. There would not now be time for discussing a proposition for the repeal of this act, but he would recommend to their lordships the suspension of its operation during the period in which the present bill should continue in force.

Earl *Fitzwilliam* said, he had heard with considerable pain the proposition of the noble viscount to continue the system of restrictions with regard to aliens which

the present bill proposed to enact. He had, during the war, supported restrictions of this nature, because he thought they were rendered necessary by the circumstances in which Europe was then placed; but he saw no necessity for their continuance now, in a period of peace. Considering, therefore, the danger that called for those restrictions to be now over, he was anxious to return to the ancient usages, practices, and forms of the constitution, and he should consequently feel it his duty to vote against the present bill.

The Duke of *Sussex* said, he had opposed the former bill on this subject, and he conscientiously felt it to be his duty to oppose the present measure. But, even though he had not felt the strongest objections to the principle of the measure, occurrences which had taken place in the course of the last year, and which proved the improper manner in which the power given to ministers had been executed, would have been sufficient to have induced him to oppose it. With the case of an individual against whom the Alien act had been enforced his own name had been connected; but he sincerely despised all the insinuations that had been thrown out on that subject, and he would now state the facts which had come to his knowledge to their lordships. An officer, who held a commission in the British service, had been tried in Portugal for a pretended conspiracy. In consequence of that trial, his name was struck out of the army list, by his majesty's government. But this was not all: having escaped, he arrived at one of the out-ports in a ship from Lisbon; upon which, the government immediately ordered the expenses of his passage to be paid, and sent him on board another vessel to be conveyed out of the country. As to the trial, he firmly believed that this gentleman was perfectly innocent of the charges brought against him. The only thing which had been alleged against him was, that of his having been accused and tried at Lisbon for some practices against the government there. Of that charge he believed him to be wholly innocent; and here he should say, in allusion to the insinuations he had before mentioned, that he had not been acquainted latterly with the individual; he had known him before, when he was in this country. While in the service of an illustrious personage, he was in the habits of communication with him, but since then he had had none. The ground of the arrest of this officer on his arrival in Harwich, was, that he had been tried at Lisbon; but to any of their lordships who were acquainted with the forms of a trial at Lisbon, where a promotion of the judge generally followed the conviction of a person inimical to the state, it would not appear that a conviction was always an evidence of guilt. He could not, then, but regard this case as one of severity under the powers of the act. Their lordships ought at all times view the exercise of such power with peculiar jealousy; but more particularly when they heard it asserted that this measure was necessary for the tranquillity of other countries. It was proper to pass laws for the tranquillity of England; but to invest ministers with arbitrary power, under the pretence of maintaining the tranquillity of other countries, was what he would always protest against. He also particularly objected to the language of the preamble of the bill, which, contrary to fact, appeared to ground the expediency of the measure on a circumstance which had taken place since the last act was passed.

Lord *Holland* regarded the measure as most unjust and impolitic. The grounds on which it had been attempted to induce their lordships to agree to this bill; namely, that few persons had been sent out of the country under the former act, and that those who were sent were persons of notoriously bad characters; were either totally inconsistent or untrue. The argument which, however, had, he believed, the most effect in reconciling the public mind to this measure, was that which was founded on the small number of persons against whom it had been enforced. The objection, however, was not merely to the number of persons sent out of the country, but to the cruelty with which the act operated on those who were allowed to remain in the country. The noble secretary of state begged the question, when he inferred that those persons who came to this country must necessarily be of bad character. He says, "Would you make this country a receptacle for all the persons of bad character whom other governments may think proper to expel from their dominions?" But, was there ever a time when the governments to which he alluded did not possess the power of sending any person they pleased out of their territories? This, however, formed one of the principal objections to the measure. The illustrious person who had just spoken had pointed

out a case which showed the fallacy of taking the exclusion of individuals by foreign governments as a criterion of character. Could their lordships be induced to place any reliance, either on the decisions of foreign courts of justice, or the acts of foreign governments, in such cases? Were such decisions or acts ever regarded by their ancestors? Louis 14th, or any other despot of former times, found no difficulty in saying, that the unfortunate individuals they persecuted and drove into exile were persons of bad character; but that did not prevent them from obtaining an asylum in England. Their lordships could not, therefore, refer to experience to show that the power given to ministers had not been unduly exercised; for it was a power of that nature which could not be exercised without abuse.—But it was not merely on account of the cruel situation in which this bill placed foreigners, by cutting them off from every refuse, it was the principle of the bill itself that excited his most decided hostility. The principle laid down by the noble viscount was subversive of every maxim of this government, namely, that arbitrary power was better than a limited government, provided no actual charge was made out against those who were in power. He had also contended that this bill did not effect any denial of protection to aliens in general; but it did in effect deny them all right and all protection; and when the noble viscount said that the bill had only desperate and abandoned characters for its object, he forgot that the innocent as well as the guilty were equally subject to its operation; he forgot the prejudice it must excite against every alien who came into the country, and how entirely dependent it must render him on the will of every man with whom he had to deal. The noble viscount, too, had laid great stress on the argument, that no abuse had yet been committed. Let us look into this boasted assertion a little. He (lord Holland) held that there was no arbitrary power that was unattended with abuse. The persons invested with such power might have the clemency of a Titus or a Vespasian; they might be endued with the deepest penetration, and the highest qualities of intellectual wisdom, and still the knowledge that they were in possession of arbitrary power might enable others to abuse it. Did not the noble viscount know that to whatever individual he might show countenance or favour, that individual was immediately enabled to take undue advantages over any unfortunate alien with whom he might be engaged in any transaction. Would the noble viscount say that he was not himself liable to be deceived? Suppose, while he was walking home that night, he should meet or speak kindly to any individual who owed an alien money, that very circumstance might perhaps afford a ground for ill usage. Such an individual, relying perhaps on the noble viscount's good opinion of him, might whisper insinuations to the prejudice of the alien. If there were no alien act, the foreigner might set such wickedness at defiance. Conscious of his own integrity, he might boldly meet his debtor, and rely on the laws of the country. But, at present, insinuations of the slightest nature might intimidate the alien to submit to any injustice. When it was urged that these were imaginary cases, he did not like to mention names, but he knew that such things had happened. The late M. De Boffe had expended large sums on an importation of foreign books; one of them was considered to contain matters not exactly agreeable to certain persons in this country. A hint was given to M. De Boffe, that he should take care what works he sold; this alarmed him so much that he sent back the whole parcel, and suffered a great loss by the undertaking. Now, if he who had resided so long in this country, who had friends and legal advisers, and knew its custom so well, was put to all this loss and inconvenience, how much worse must the case be with an unprotected stranger! It would be insulting to the House to dwell on all the various possibilities in which such things might happen; but he should relate one instance of the late Mr. Pitt, a man of all others the least disposed to make any ungenerous use of arbitrary power. At the commencement of the late contest, a man waited on Mr. Pitt, saying that he had a fact of importance to communicate, and begged to speak without witnesses; but Mr. Pitt insisted on having witnesses. The man then stated that the government of France had hired a person to assassinate him, and added so many circumstances of the notes by which the assassin was to be paid having been transmitted through Ghent, Bruges, and a variety of other towns, that Mr. Pitt was in the end induced to believe the account. He wrote to foreign ministers, and they, under the

operation of an alien act then existing in Flanders, traced the individuals connected with these notes in the establishments of the Flemish bankers. Two individuals were there thrown into prison, where they remained for five years, to the utter ruin of themselves and their families. At the peace, it was discovered that these unfortunate individuals, so unluckily connected with the notes in question, were coming to England to discharge a private debt with the very money in question, and to recover a demand which they had against Mr. Pitt's informant. These were circumstances, these were facts, that called on their lordships to pause before they subjected aliens to the effect of a mere insinuation made against them. He did not blame Mr. Pitt; but he mentioned the fact, to show the mischiefs unavoidable in the exercise of arbitrary power. He knew that the present bill contained a provision enabling aliens to appeal to the privy council; but how could a man appeal after he was sent out of the country?—His lordship then referred to the case of Las Cases; who, whether he had offended against the regulations of St. Helena or not, was unnecessarily deprived of his papers when he arrived in this country. The Alien act gave no powers for the seizure of papers, and he believed such seizure illegal. The papers were afterwards restored; but the loss of them for six or seven months might be ruinous to a literary man, whose subsistence might depend on the observance of his engagements with a bookseller. There was no intention, perhaps, to injure the man, but if he was ill used redress was impossible. —As to the prerogative that had been so much insisted on, and the necessity that there must be a power somewhere of sending aliens out of the country, there must be also a power to hang, but the question was, whether a discretionary power should be vested in the ministers of the Crown. He thought the prerogative did not exist; the general principles and habits of our government were against any such arbitrary power; but the noble viscount had shown sufficiently the spirit with which he was actuated, and had set out by ridiculing all laws that opposed the powers he required, though those laws had existed before, and were sanctioned by the Union. These laws the noble viscount (who set himself to teach mankind how to legislate on new and sweeping principles) was to repeal, without alleging the slightest abuse or inconvenience arising out of them. It had always been the policy of this country to encourage foreigners, and to reap the benefit of their skill and capital; and the best way to effect this had been found to be the extension to such persons of the advantages of the British constitution. Next to Holland, whom we had now compelled to follow the same narrow course as ourselves, this country had always been the most distinguished for a liberal and generous policy. She had always been the subject of panegyric on this account, and her very geographical position considered as having something providential in it—

"Britain! thy land by Heaven was sure designed
"To be the common refuge of mankind,"

were the words of Waller, the founder of our parliamentary eloquence, and a man well versed in the knowledge of our best interests. He, it seems, was in a mistake, and this country was no longer a refuge for the oppressed, but what Gibbon called one of the cells of the great state prisons of Europe, and completely subservient to other states. What was it that had been accomplished by all the measures and system of the war which the noble viscount so highly extolled? If that system had been so successful as he represented it, where was the danger, or the demand for an alien bill? The noble viscount must either say, that after all the efforts of this vaunted system, after all the blood and treasure that had been expended, things remained just where they were, and the same measures must still be returned to; or, that he had put down all the revolutionary spirit of Europe, but was still so fond of power, that he could not part with it. It was not to abuses that might be committed against foreigners, that the unconstitutional nature of this measure was confined; the effect of arbitrary power was not confined to those upon whom, but extended to those by whom it was exercised. Was there any man whose disposition remained the same after he had been accustomed to the exercise of arbitrary power? After sending out aliens with such facility, the noble viscount could not help wishing for the convenience of the same power whenever he was thwarted, with whatever justice, in any other quarter. The constitutional doctrine was, to consider the evils arising out of arbitrary power in general, rather than instances of special abuses. He should

allude to the case of the Spaniards who had escaped into Gibraltar, and who (as he hoped by mistake) were sent back into Spain, where two of them were condemned to death, and one to twelve years in the gallies. The gallant officer who had returned them into Spain received an account that one of them, Don Diego Correia, had written against the English; it turned out, however, that this was not true, and that a mistake had been made in the name; but the result of this mistake was, the loss of the unfortunate Spaniard's property. This showed how any secretary of state might, with the best intentions, be entirely misled.—But the greatest objection was, the gross impolicy of the measure. We, whose great object had always been to prevent universal monarchy, were now most unwisely lending ourselves to such a system. It was not an imaginary but a real evil, that all Europe should be governed by one will; and if, instead of one, we had five or six, all agreeing together, the effect of this oligarchy of a club of sovereigns would be just the same. Russia would proscribe one man, France another, Austria a third, and no where would any refuge be found from the power of a despot. The effect of such a system, under the Roman empire, had been well pointed out by Gibbon:—"The division of Europe into a number of independent states, connected however with each other, by the general resemblance of religion, language and manners, is productive of the most beneficial consequences to the liberty of mankind. A modern tyrant, who should find no resistance either in his own breast or in his people, would soon experience a gentle restraint from the example of his equals, the dread of present censure, the advice of his allies, and the apprehension of his enemies. The object of his displeasure escaping from the narrow limits of his dominions, would easily obtain in a happier climate a secure refuge, a new fortune adequate to his merit, the freedom of complaint, and perhaps the means of revenge. But the empire of the Romans filled the world, and when that empire fell into the hands of a single person, the world became a safe and dreary prison for his enemies. The slave of imperial despotism, whether he was condemned to drag his gilded chain in Rome and the senate, or to wear out a life of exile on the barren rock of Seriphus, or the frozen banks of the Danube, expected his fate in silent despair. To resist was fatal, and it was impossible to fly. On every side he was encompassed with a vast extent of sea and land, which he could never hope to traverse without being discovered, seized, and restored to his irritated master. Beyond the frontier his anxious view could discover nothing but the ocean, inhospitable deserts, hostile tribes of barbarians, of fierce manners and unknown language, or dependent kings, who would gladly purchase the emperor's protection by the sacrifice of an obnoxious fugitive. "Ubicunque esse," said Cicero to Marcellus, "cogitare deberes te fore in ejus ipsius quem fugeres potestate." If we followed this example, we should make the world one vast prison, and be perpetually embroiled with foreign powers. Hitherto we had refused to give up to the vengeance of foreign powers those who fled from their injustice; and at what time was it that we took on ourselves to become police officers to the rest of Europe? When it was clear from the state of things that there must be shortly alterations and convulsions in the state of Spain, were we to espouse the cause of either party? When it was avowed that this bill was to prevent convulsions in France, how were we to say to the king of Spain that we would not do as much for him? He would reply, "Then you espouse the cause of my enemies; you support the standard of revolt against a legitimate sovereign." It was by laws and policy counteracted by the present bill, that England arrived at the pre-eminence she had now attained, and we ought not to violate that policy or trample on those laws. The operation of the present bill would effect a sacrifice of all the advantages we had enjoyed. It would involve us in perpetual difficulties with foreign states, and in a constitutional view, be highly dangerous to the liberties of the country. For these reasons he never voted against any bill with so much determinate hostility as he should do against the present.

The Earl of *Westmorland* said, that if their lordships took a correct and comprehensive view of the present bill, it would be found, that instead of granting fresh powers to the executive, it did nothing more than provide for the effectual discharge of those granted by the constitution to the Crown. There were three aspects, or rather two, since the third was included in the two first, under which it

was proposed to regard the present bill. First, as it regarded our internal peace; secondly, as it enabled us to preserve the relations of amity with foreign states; and thirdly, as preventing both natives and others, while resident here, from intermeddling with that repose which was the object of the peace. Any one of these considerations would be sufficient to induce him to support an Alien bill, but their combined force he conceived quite sufficient to overpower all the objections which were urged by the opposite side. The great argument in favour of the power of the Crown connected with its prerogative, was to be found in the thirtieth chapter of Magna Charta, which, though meant to curtail the strength of the Crown, was, in his opinion, most clearly in its favour. The history of the country gave repeated instances of the exercise of this power by the Crown. So necessary was this power to the well-being of the state, that if the Crown was not already possessed of it, he should consider the latter fact as an argument in favour of the present bill. Without such an authority we could not long maintain our relations with neighbouring states; for nothing could be more monstrous than to suppose that foreign states could remain in peace with this country while their subjects were allowed to carry on schemes of mischief here against our allies. This principle was an ancient and acknowledged one: all the hostilities of Greece originated in reproaches for harbouring the enemies of the respective states; the war of the succession was occasioned by similar means; and, not to dwell on remote facts, their lordships could not have forgotten the complaints made by the revolutionary governments of France respecting the asylum which emigrants from that country were permitted to receive here. Power, he would allow, was liable to abuse. But what was the fact as to this law? Because three or four persons had been ordered from our shores among more than as many hundreds, who had found shelter, was the character of the country to be impeached, its hospitality decried, and foreigners told it was unsafe to fly here for protection from undeserved hardships? The merit of the measure was, that it operated on the conduct of all: if foreigners who came here acted well, they knew beforehand they would remain safe; they acted badly, or intended so to act, they were aware they would be removed. It was said, that the bill would prevent foreigners from settling among us, and thereby contributing to our population, our arts, and our wealth. Although he was not much afraid of that excess of population which some politicians and writers had dreaded; yet there were certain means of augmenting it which he was not anxious to adopt. He did not wish to make this country the receptacle for every rogue, vagabond, or incendiary, who might think it expedient to resort here from foreign parts. But it was observed, that there was no necessity for the present bill in a period of peace. While he thanked noble lords for the compliment they paid to the peace which his colleagues had made, and which they were assured was likely now to last, he should, at the same time, be glad to be informed when the sudden light broke in upon those noble lords which had enabled them to discover that all was calm, that no apprehensions were to be felt, and no security to be taken, in order to consolidate a peace so recently concluded. Other states, it should be considered, had the power to send away their suspected characters, which rendered the same power necessary here, as otherwise, the exercise of it elsewhere would have the effect of driving the refuse herd of foreigners to this country. These were the grounds upon which he should support the bill. Liberality was a favourite word with noble lords on the other side, and he could not help adverting to a most benevolent act which characterised their administration in 1806. It would be recollected that a person came over to this country to propose the assassination of Buonaparté to Mr. Fox, when that minister not only at once rejected the proposal with becoming scorn, but caused the first Consul to be written to upon the affair, which occasioned such loving letters, that a negotiation was begun for a peace. Instead of sending the assassin off, as very properly was done, suppose a complaint had been transmitted by the French government, with a request to dismiss him, what would have been thought of an answer like this—"We cannot send away the wretch, but we have proceeded to prosecute him, and after two or three terms we expect to get rid of him." Would noble lords contend that a power which had been exerted for the safety of the person with whom we were at open war at that time, should not be exercised in peace, and for the protection of the governments of our friends?

The Marquis of *Lansdowne* observed, that the introduction of the present measure was a proof of the mischievous effects of legislating upon apprehensions. When the people became familiarised, and the government accustomed to the acts thus hastily introduced, parliament proceeded easily from one step to another, on weaker and weaker grounds; and it was impossible but that, sooner or later, abuses must creep into the system. The bill before the House had been introduced three or four different times, each time with less necessity, until now, when it was defended upon grounds of general expediency which were totally inconsistent with the nature of the bill itself. It ought to be made perpetual, consistently with the arguments by which it was attempted to be justified. All the arguments of temporary expediency were found to be so weak, that even the supporters of them were obliged to have recourse to the more extensive ground in the end. The noble viscount could not pretend that the danger was imminent; he could show no design which it was necessary to defeat, but confined himself to calling for the measure, in order to meet a vague apprehension entertained with respect to persons on the continent, who had imbibed opinions not consistent with those embraced by the noble viscount, or by a large majority of the people of this country. Such was the only ground advanced in order to justify this great alteration in the constitution of the country. Such were the persons they were advised to exclude, not by the regular institutions of the country, but by an infringement of the principles, and a departure from the practice of the best times. The noble lord had not attempted to inform them, that there were no periods in our history when we were more exposed to the machinations of foreigners. He had quoted Magna Charta to prove the prerogative of the Crown; but it was Magna Charta accompanied with his own explanation. He seemed to have forgotten that sir Edward Coke, the great law authority upon all the ancient statutes, had given an opinion directly the reverse of his, and maintained that the words "nisi publicè prohibiti" applied only to an act of parliament, and consequently that foreigners could only be prohibited by an act of the legislature. But what would they find to be the case on looking to the practice of England? They would find that from the accession of the House of Stuart down to the period when this bill was first introduced, it was not found necessary to have recourse to a measure of such severity. Were not the Jesuits a body against whose machinations it might be thought proper to provide? Yet in the good times of the constitution, no one thought of such a measure. Soon after the period of the Reformation, another society arose, the Anabaptists of Germany, who from their connection with this country were particularly dangerous: yet no one came down to parliament to require that they should be excluded. Even after the exile of the house of Stuart, while there still existed a large party called Jacobites, whose machinations were not without danger to England, the measure was not resorted to. Yet England had not at that time attained to that height of wealth and power of which she was now possessed—she did not even rank in the first class of European powers—her rivals were, in general, more powerful than she was, and even under all these disadvantages she relied for her security on the laws of the country. His noble friend (lord Holland) had alluded on a former occasion to an opinion of sir William Temple. That great scholar and statesman, surveying the constitution of the United States of Holland, had said, that one of the subjects which he most admired in it, was the asylum it afforded to fugitives from other countries, and particularly to fugitives from France. It was impossible to suspect him of partiality to the enemies of Henry 4th, on the contrary, his predilections, if any, were on the side of that great monarch. He approved of the general principle of affording protection to civil offenders of every denomination. The noble lord who spoke last, had said, that the bill was necessary to preserve our relations of peace and amity with other countries; but we had succeeded in preserving these relations before without its assistance. Besides, he would ask, which of the nations of the world had suffered most from foreign influence? Was it England? Was it Holland? Was it the United States of America? No: those places in which the principle was most liberally applied, were those which had suffered least. As for America, he rejoiced in her prosperity; but if there was any one thing for which he was disposed to envy her, it was the practice of affording shelter to those who fled from political persecution. It had been said, that government had never abused the power

conferred by former bills; but was it not an abuse that persons were prevented by them from coming into the country with their property and other advantages? The principle avowed by the noble lords on the other side was, "pœna ad paucos, metus ad omnes," but what worse principle could a statesman act upon? What could be worse than to deter men from coming into the country by hanging over their heads, not the visitation of the law, but the visitation of power? It was impossible but that great hardships must arise under the system. How was the secretary of state to determine as to the characters of these foreigners? With all the information he was able to procure at home with respect to domestic offenders, he was sometimes proved, upon trial, to have been mistaken. And could they expect that, with regard to foreign countries, he was more likely to obtain accurate information? There appeared in all the arguments on the other side a strange disposition to undervalue the laws of the country, which were competent to punish real guilt wherever it was found. He never could believe that a constitution which had withstood the strongest efforts in violent times, could be destroyed by a few foreigners, towards whom the people of this country entertained a degree of jealousy amounting to repugnance. It was on a conviction of the absurdity and injustice of the proceeding, and seeing that no special case was made out to prove that it was called for by any circumstances peculiar to the present times that he should oppose the motion.

The Earl of *Harrowby* said, he was willing to admit most of the general propositions of the noble marquis, because they did not apply to the particular circumstances of the present case. He argued, that the bill did not give powers unknown to the constitution, but merely facilities to the exercise of an undoubted right. The historical illustrations he thought peculiarly unfortunate; because in the reign of Elizabeth, the royal prerogatives had been exercised to their full extent, and in the reign of the Stuarts, the danger originated not with foreign, but with native Jacobites, residing here and abroad. He put it to the House, whether any honest alien, who wished to reside here for the fair exercise of his art or industry, would be for a moment deterred by the provisions of this measure? Could any cases of the kind be brought forward? It was vain to think that two or three years were sufficient to do away the effect of those principles which had been in operation for the last twenty years. The toss and swell of the waters was still felt after the tempest. It was not because other powers had adopted such a measure, that it was thought proper to introduce it here, but because of our vicinity to France, and the advantages afforded by our free press and free constitution to those who might wish to disturb the peace of France and of Europe. The power, it was true, like every other power, was exposed to abuse; but the question was whether, looking at the whole case, it was not better to incur the present, than expose ourselves to other and greater evils?

The House divided: Contents, 34; Not-Contents, 15: Majority, 19. The House being in a committee, lord Sidmouth proposed his clause relative to aliens who had bought shares in the Bank of Scotland, pursuant to the Scotch act of 1695.

The Earl of *Lauderdale* urged the necessity of the House making itself acquainted with the Scotch act of 1695, before it proceeded to repeal it. The repeal, too, of this act, which was proposed not merely prospectively but retrospectively, was a violation of the public faith on which foreigners had embarked their property.

Lord *Melville* said, that he had a copy of that act printed by the king's printer, which was generally deemed sufficient evidence of an act, and which he would tender to be read.

Lord *Holland* remarked on the strange situation in which the House was placed, in being called on to alter an act of parliament without having it regularly before them, and without knowing its contents.

The Earl of *Liverpool* observed, that the House had been informed of the nature of the act, by a noble viscount, who was governor of the Bank of Scotland, and who tendered it to be read.

The Duke of *Sussex* said, that like many other noble lords, he was quite ignorant of the nature of the act, the repeal of which was, without previous notice, to be pressed upon the House.

The Earl of *Lauderdale* wished to know whether the noble viscount produced the act in his character of governor of the Bank of Scotland, or as a peer of parliament. If in the former capacity, he should wish to put some questions to him.

Lord *Melville* said, he only appeared

there as a peer of parliament, and as such tendered the act to the House to be read.

The Earl of *Lauderdale* said, that the printed act produced by the noble viscount would be of no authority. The act had never been printed in the regular series of the Scots statutes, and the original, which the House might call for, was in the record office of Edinburgh. Unless the House was really in possession of that act nothing could be regularly done.

The *Lord Chancellor* said, that strictly speaking it was necessary to have the authentic copy of the act; but there was another course open to the House by which it might avoid the necessity of renting the statute. He meant by a clause to this effect, that all persons naturalized after the 29th April, except by act of parliament, should be deemed aliens.

Earl *Grey* submitted, that this clause would go too far. [The lord chancellor said he had no objection to this.] He was aware that the learned lord never objected to go any length in increasing the power of the Crown, though he objected to go a step in defending the liberties of the subject. The sweeping clause which was now proposed not only deprived of their rights all those who, relying on the faith of the nation, had purchased stock of the Bank of Scotland, but those also who had become possessed of the rights of natural-born subjects by other acts of parliament which had granted those rights to certain classes of foreigners as the reward of certain services. Ineffectual as he knew any appeals to that House to be, he could not help protesting against this injustice.

The *Lord Chancellor* said, that whether he or the noble earl had best defended the liberties of their country must be left to others to determine, but he rejoiced that the course of his politics had been quite different from that of the noble earl. As the act of the Scots parliament had been recited in several British acts, he did not think it necessary to call for that act.

Lord *Holland* saw no reason which could justify the House at so late a period of the session, in admitting a clause which so materially affected the rights of property, the interests of the Bank of Scotland, and the faith of the nation. It was singular to think that the measure was founded on the secret communications of the governor of the Bank of Scotland, who had turned informer against that corporation. The parliament of Scotland had declared that members of the Bank of Scotland should possess all the advantages of natural born subjects of Scotland. By the act of Union, all the subjects of Scotland were admitted to the privileges of subjects of Great Britain. This privilege was to be taken away without knowing whether one man or one thousand had availed themselves of this power. This clause went to affect property, to which the House always professed the utmost attention, to affect rights already created, and yet not one fact had been adduced to show its necessity.

The Earl of *Liverpool* said, that as a device had been found out to evade the uniform practice of the country with respect to naturalization, even those who were the most violent opposers of the alien bill might consistently consent that it should be put an end to. It was proposed to make the clause operate from the 29th of April, which was the day when the notice of the Alien bill was first given.

Earl *Grey* observed, that there were many acts of parliament giving the privilege of natural-born subjects to foreigners in certain cases; for instance, one of William 3rd, giving the right to foreign Protestants who had served two years in our armies. There was another, giving these rights to foreigners who had resided seven years in our American plantations, or held offices there for two years. If the terms of any persons in these situations should expire after the 29th of April, they would be excluded from the benefits solemnly promised them. The clause might also operate most unjustly on those foreigners who, on the strength of the rights which they had imagined they had securely acquired, had engaged to purchase lands.

The subject was then dropped, and a clause limiting the duration of the bill to one year was rejected; as was one proposed by the earl of Carnarvon, excluding from its operation aliens being husbands or wives, or parents of British subjects, or having been domiciliated here five years before the last peace. The lord chancellor then moved the following clause: "And be it further enacted, by the authority aforesaid, that such persons as may have been naturalized, or claim to have become naturalized, since the 28th of April last, by the effect of any act of the parliament of Scotland heretofore passed relative to the bank of Scotland, or who may claim to be naturalized by

becoming partners of the bank of Scotland after the passing of this act, shall be deemed and taken to be aliens, notwithstanding the provisions of any act of the parliament of Scotland, whilst the provisions of this act relative to aliens shall remain in force."

The Marquis of *Lansdowne* resisted this device, by which the necessity of producing the Scotch statute was avoided, and moved as an amendment, that the words "28th of April" be omitted, and the words "from and after the passing of the said act" be substituted.

The Earl of *Lauderdale* observed, that parliament might with as much fairness invade the property of the Bank of Scotland, as deprive it of the privilege to which this clause referred. To take away this privilege from the Scotch Bank must serve to diminish the demand for its stock. Any decision upon a clause of this nature ought to be postponed until the Bank proprietors should have an opportunity of laying their opinion, in the shape of a petition, before the House.

Lord *Melville*, in reference to what had been said by lord Holland, denied that he had deserted the interests of the bank of Scotland, by communicating the intelligence he had given to ministers. The statute had been sent to him from Edinburgh, for the purpose, by persons, who, like himself, were concerned in the Bank of Scotland. He thought the accusation brought against him not at all warranted by the facts.

Lord *Holland* had not intended to say any thing offensive to the noble lord, but he thought the two offices of governor of the Bank and minister of state in some degree incompatible.

The House divided: For the Lord Chancellor's clause, 42; Against it, 20.

Lord Gage proposed, that any alien whom government desired to send out of the country should receive a month's previous notice, in order that he might have time to prepare for his departure; and that he should be at liberty to go to any port or place he thought proper, provided a ship was found ready for his conveyance; but if not, that he should be allowed to wait a reasonable time for such opportunity of conveyance, government being authorized during such delay to commit the alien to prison, if it thought the proceeding necessary. Upon this proposition, a division took place: Contents, 20. Not-Contents, 42.—Lord Sidmouth moved, that the standing order should be suspended, in order that the report of the committee should be received, and the bill be read a third time to-morrow. Upon this motion an animated conversation took place, lords Holland, Lauderdale, Rosslyn, and the marquis of Lansdowne, strongly protesting against the attempt to treat the orders of the House as a mere mockery, by suspending them for no other reason than that of a wish to afford personal accommodation to his majesty's ministers. Such precipitancy they deemed peculiarly objectionable in consequence of the material alteration which had that night so unexpectedly been made in the bill. Lords Liverpool and Sidmouth contended, on the contrary, that the standing orders were often dispensed with upon occasions by no means so pressing, and that from the late period of the session, it was necessary to accelerate the progress of this measure, which had been already long enough before the House to afford noble lords an ample opportunity for understanding it. The motion was agreed to.

EDUCATION OF THE POOR BILL.] On the motion of the Earl of Rosslyn, their lordships proceeded to take into consideration the report of the committee on this bill, when several amendments were made. On the question being put, that the bill be read a third time,

The *Lord Chancellor* said, that in his opinion the bill was very much improved since it had come from the Commons, although some persons, without duly considering the subject, appeared to think otherwise. No peer, he was aware, particularly an individual situated as he was, had a right to notice what passed elsewhere, especially as it was so difficult to come at a correct account of proceedings out of doors. Something had, however, occurred on this subject in another place, on which he wished to say a few words. He could not separate from their lordships that night without observing, that, having considered all that was done with respect to this bill, his conduct had not been treated, as far as he could judge from what he had read, with that justice and propriety which it deserved. He was in the judgment of those who had known him long, and who could decide on the truth of this observation. The attack, however, to which he alluded, should not operate on him to diminish the respect,

civility, and attention which he had always shown to every member of parliament, to every gentleman, and especially to the gentlemen of his own profession.

HOUSE OF COMMONS.

Monday, June 1.

PETITION FROM WESTMINSTER FOR A REFORM IN PARLIAMENT.] Mr. Alderman Wood presented a Petition and Remonstrance from certain inhabitant householders of the city and liberties of Westminster in public meeting assembled, on the 23rd of March, 1818, setting forth,

"That on the House, as appears to the Petitioners, there doubly rests a legal, constitutional, and moral obligation, promptly to redress the wrongs of the people whenever they are aggrieved, and make their application; inasmuch as it is a House which holds the office of a national representative, and which also claims to be, in respect of certain electoral and legislatorial rights of the Commons, a court of judicature having exclusive jurisdiction; in the first place, the very nature of representation requires that the House shall do for the people in all ways, but more especially for redress of grievances, whatever they, if legislating personally, would for self-preservation do for themselves; and in the second place, if the House be an English court of judicature, it must well know that every such court hath of necessity its attributes and its duties, its power and its responsibility: if such a court do not wantonly abandon its functions, it decides causes coming within its jurisdiction, whenever by bill, suit, or petition, regularly brought before it; to try or not to try an issue, it hath no option; to do or not to do its duty, it hath no choice, neither hath it any discretion whereby it can dispense with affording redress; for, in the English constitution, as in the code of nature and reason, it is an eternal principle of equity, emphatically reiterated in the maxims of our law, and shines the brightest gem in Magna Charta, that justice shall neither be denied nor delayed; wherefore, when suitors apply to such a court for redress of intolerable wrongs committed by its own members, it cannot be competent to say, 'Go your way for this time, when 'we have a more convenient season we will 'send for ye;' in short, touching the House, one of whose offices it is to impeach unjust judges, it is impossible it can enumerate among its privileges, that of being itself an unjust judge; or, among its attributes, that of an authority to pervert equity, and to mock at justice, a shocking impiety, peculiarly offensive to God, and disgusting to man; to deny justice, were to dispense with and to suspend law, treasons for which a king was expelled from the throne, and such a denial by a court that had monopolized all the powers of redress were an aggravation of the guilt beyond all power of language to express; the House are earnestly requested to observe, that by the law of this land it appears, that whenever by petition of right even a private mean empleads the king himself, for that his majesty wrongfully holds an inheritance belonging to that man, the king, as mere matter of official duty, invariably says, in writing, 'Let 'right be done to the party,' when a commission as invariably issues to that end; but when last year more, as it is believed, than a million of aggrieved people, speaking, as it is believed, the sense of many millions, empleaded by their petitions of right, those members of the House who wrongfully withhold from the whole nation the most valuable and most sacred inheritance, constitutional representation, the empleaders, instead of being answered that right should be done, experienced, on the contrary, a perversion of equity, and a mocking of justice, mixed with insult and calumny; and their oppressors had influence enough not only to cause their petitions to be trampled upon, but to procure a suspension of all laws of protection; in consequence of which, virtuous parliamentary reformers were inhumanly hunted by the blood-hounds of false accusation into ruin and misery, chains, dungeon, and exile; the petitioners feel warranted in maintaining, that neither an English assembly of representative legislators, nor an English court of judicature, can be privileged to substitute its own arbitrary will for law, its own capricious pleasure for the constitution; discretionary law, characteristic of despotism, hath ever been peculiarly abhorrent to the free mind of England, nor can discretionary law, which may for any length of time deny, and which, as it appears to the petitioners, hath, in fact, by a contempt of their petitions of right for five and thirty years, denied political liberty to the people of England, be reconciled with that divine principle of her constitution, by

virtue of which the very touch of her soil gives freedom to the slave; wherefore the petitioners pray that the House will, as speedily as may with due consideration consist, pass a bill for effectually securing to the people in all time to come the self-evident right of universal freedom fairly distributed according to population with annual elections, and in those elections the protection of a ballot."

Ordered to lie on the table, and to be printed.

COPY OF THE TREATY BETWEEN HIS BRITANNIC MAJESTY AND THE KING OF THE NETHERLANDS FOR PREVENTING THE SLAVE TRADE.] Lord *Castlereagh* presented to the House, by the command of the Prince Regent, the Treaty between his Britannic Majesty and his Majesty the King of the Netherlands, for preventing their subjects from engaging in any traffic in slaves. There were, the noble lord observed, only two or three points in which the provisions of this treaty differed from those of the treaties concluded upon the same subject with the kings of Spain and Portugal, and these alterations were calculated in no degree to interfere with the beneficial operation of the treaty. The first point of alteration was, to exempt the European seas; that is, that the reciprocal right of search should not extend to the Mediterranean, the North Seas, or the Channel. This exemption was the more proper, as it could not be apprehended, that the Slave trade would ever be carried on within these seas. The next alteration was the consequence of an objection pretty generally expressed against the establishment of the principle of an equal right of search, among nations who were very unequal in naval force. In order to obviate this objection, it was stipulated, that the number of ships authorized to search, should be limited to twelve on each side, and that each of the contracting parties should give notice to the other, what are the ships so authorized. These arrangements would, he hoped, meet the approbation of the House, especially considering the important accession of the government of the Netherlands to the general association for promoting the abolition of the Slave trade.

Mr. *W. Smith* concurred with the noble lord in congratulating the House upon the accession of such a power as the government of the Netherlands to the great purpose alluded to. The concessions made to obtain that accession he did not regret, because he was fully assured that the Slave trade was so likely to be short lived, that the exemption of the Mediterranean from the operation of the right of search was a matter of no consequence.

The following is a Copy of the said Treaty:

TREATY between his Britannic Majesty and his Majesty the King of the Netherlands, for preventing their subjects from engaging in any traffic in Slaves. Signed at the Hague, May 4th, 1818.

In the name of the Most Holy Trinity:—His majesty the king of the united kingdom of Great Britain and Ireland, and his majesty the king of the Netherlands, animated with a mutual desire to adopt the most effectual measures for putting a stop to the carrying on of the slave-trade by their respective subjects, and for preventing their respective flags from being made use of as a protection to this nefarious traffic, by the people of other countries who may engage therein; their said majesties have accordingly resolved to proceed to the arrangement of a convention for the attainment of their objects, and have therefore named as plenipotentiaries, *ad hoc*,

His majesty the king of the united kingdom of Great Britain and Ireland, the right hon. Richard earl of Clancarty, viscount Dunlo, baron Kilconnel, baron Trench of Garbally, in the united kingdom of Great Britain and Ireland, one of his majesty's most hon. privy council in Great Britain and also in Ireland, member of the committee of the first for the affairs of commerce and colonies, colonel of the regiment of militia of the county of Galway, knight Grand Cross of the most hon. order of the Bath, ambassador extraordinary and plenipotentiary of his said majesty to his majesty the king of the Netherlands, grand duke of Luxemburg; and his majesty the king of the Netherlands, Anne, William Charles baron de Nagell d'Ampsen, member of the body of Nobles of the province of Guelderland, knight Grand Cross of the order of the Belgic Lion and of that of Charles the Third, chamberlain and minister of state, holding the department of Foreign Affairs; and Cornelius Felix van Maanen, commander of the order of the Belgic Lion, and minister of state, holding the department of Justice; who, having exchanged their full powers, found in good and due form, have agreed on the following Articles:

ART. 1.—The laws of the united kingdom of Great Britain and Ireland rendering it already highly penal for the subjects of his Britannic Majesty to carry on, or to be in any way engaged in trade in slaves, his majesty the king of the Netherlands, referring to the

8th Article of the Convention entered into with his Britannic Majesty on the 13th August 1814, engages in pursuance thereof, and within eight months from the ratification of these presents, or sooner, if possible, to prohibit all his subjects, in the most effectual manner, and especially by penal law the most formal, to take any part whatever in the trade of slaves; and in the event of the measures already taken by the British government, and to be taken by that of the Netherlands, being found ineffectual or insufficient, the high contracting parties mutually engage to adopt such further measures, whether by legal provision or otherwise, as may from time to time appear to be best calculated, in the most effectual manner, to prevent all their respective subjects from taking any share whatever in this nefarious traffic.

ART. 2.—The two high contracting parties, for the more complete attainment of the object of preventing all traffic in slaves, on the part of their respective subjects, mutually consent that the ships of their royal navies, which shall be provided with special instructions for this purpose, as herein-after mentioned, may visit such merchant vessels of the two nations, as may be suspected, upon reasonable grounds, of having slaves on board for an illicit traffic; and in the event only of their finding such slaves on board, may detain and bring away such vessels, in order that they may be brought to trial before the tribunals established for this purpose, as shall hereinafter be specified.

ART. 3.—In the intention of explaining the mode of execution of the preceding Article it is agreed; 1st, That such reciprocal right of visit and detention shall not be exercised within the Mediterranean sea, or within the seas in Europe lying without the Straits of Gibraltar, and which lie to the northward of the thirty-seventh parallel of north latitude, and also within, and to the eastward of the meridian of longitude twenty degrees west of Greenwich. 2d. That the names of the several vessels furnished with such instructions, the force of each, and the names of their several commanders shall be, from time to time, immediately upon their issue, communicated by the power issuing the same to the other high contracting party. 3rd. That the number of ships of each of the royal navies authorized to make such visit as aforesaid, shall not exceed the number of twelve, belonging to either of the high contracting parties, without the special consent of the other high contracting party being first had and obtained. 4th. That if at any time it should be deemed expedient that any ship of the royal navy of either of the two high contracting parties authorized to make such visit as aforesaid, should proceed to visit any merchant ship or ships under the flag, and proceeding under the convoy of any vessel or vessels of the royal navy of the other high contracting party, that the commanding officer of the ship duly authorized and instructed to make such visit, shall proceed to effect the same in communication with the commanding officer of the convoy, who, it is hereby agreed, shall give every facility to such visit, and to the eventual detainer of the merchant ship or ships so visited, and in all things assist to the utmost of his power in the due execution of the present convention, according to the true intent and meaning thereof. 5th. It is further mutually agreed, that the commanders of the ships of the two royal navies, who shall be employed on this service, shall adhere strictly to the exact tenor of the instructions which they shall receive for this purpose.

ART. 4.—As the two preceding Articles are entirely reciprocal, the two high contracting parties engage mutually to make good any losses which their respective subjects may incur unjustly, by the arbitrary and illegal detention of their vessels; it being understood that this indemnity shall invariably be borne by the government whose cruizer shall have been guilty of the arbitrary detention; and that the visit and detention of ships specified in this Article shall only be effected by those British or Netherland vessels which may form part of the two royal navies, and by those only of such vessels which are provided with the special instructions annexed to the present treaty, in pursuance of the provisions thereof.

ART. 5.—No British or Netherland cruizer shall detain any ship whatever not having slaves actually on board; and in order to render lawful the detention of any ship, whether British or Netherland, the slaves found on board such vessel must have been brought there for the express purpose of the traffic.

ART. 6.—All ships of the royal navies of the two nations, which shall hereafter be destined to prevent the traffic in slaves, shall be furnished by their respective governments with a copy of the instructions annexed to the present treaty, and which shall be considered as an integral part thereof. These instructions shall be written in the Dutch and English languages, and signed for the vessels of each of the two powers, by the minister of their respective marine. The two high contracting parties reserve the faculty of altering the said instructions, in whole or in part, according to circumstances; it being, however, well understood, that the said alterations cannot take place but by the common agreement, and by the consent of the two high contracting parties.

ART. 7.—In order to bring to adjudication, with the least delay and inconvenience, the vessels which may be detained for having been engaged in a traffic of slaves, according to the tenor of the fifth Article of this treaty, there shall be established, within the space of a year at furthest from the exchange of the ratifications of the present treaty, two mixed courts of justice, formed of an equal number of individuals of the two nations, named for

this purpose by their respective sovereigns. These courts shall reside—one in a possession belonging to his Britannic Majesty, the other within the territories of his majesty the king of the Netherlands; and the two governments, at the period of the exchange of the ratifications of the present treaty, shall declare, each for its own dominions, in what places the courts shall respectively reside. Each of the two high contracting parties reserving to itself the right of changing, at its pleasure, the place of residence of the court held within its own dominions; provided, however, that one of the two courts shall always be held upon the coast of Africa, and the other in one of the colonial possessions of his majesty the king of the Netherlands.—These courts shall judge the causes submitted to them according to the terms of the present treaty, without appeal, and according to the regulations and instructions annexed to the present treaty, of which they shall be considered as an integral part.

Art. 8.—In case the commanding officer of any of the ships of the royal navies of Great Britain, and of the Netherlands, commissioned under the second Article of this treaty, shall deviate in any respect from the dispositions of the said treaty, and shall not be enabled to justify himself, either by the tenor of the said treaty, or of the instructions annexed to it; the government which shall conceive itself to be wronged by such conduct, shall be entitled to demand reparation, and in such case the government, to which the captor may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the captor, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed.

Art. 9.—The acts or instruments annexed to this treaty, and which form an integral part thereof, are as follows: *A.* Instructions for the ships of the royal navies of both nations, destined to prevent the traffic in slaves. *B.* Regulation for the mixed courts of justice, which are to hold their sittings on the coast of Africa, and in one of the colonial possessions of his majesty the king of the Netherlands.

Art. 10.—The present treaty, consisting of ten articles, shall be ratified, and the ratifications exchanged within the space of one month from this date; or sooner, if possible. In witness whereof the respective plenipotentiaries have signed the same, and thereunto affixed the seal of their arms.—Done at the Hague, this 4th day of May, 1818.

(Signed) Clancarty. (L. S.)
A. W. C. De Nagell. (L. S.)
Van Maanen. (L. S.)

Annexes.

A.—Instructions for the Ships of the British and Netherland Royal Navies, employed to prevent the Traffic in Slaves.

Art. 1.—Every ship of the royal British or Netherland navy, which, furnished with these instructions, shall, in conformity with the second Article of the Treaty of this date, have a right to visit the merchant ships of either of the two powers actually engaged, or suspected to be engaged in the Slave-trade, may, except in the seas exempted by the third Article of the said Treaty, proceed to such visit, and should any slaves be found on board, brought there for the express purposes of the traffic, the commander of the said ship of the royal navy may detain them, and having detained them, he is to bring them as soon as possible for judgment, before that of the two mixed courts of justice, appointed by the seventh Article of the Treaty of this date, which shall be the nearest, or which the commander of the capturing ship shall, upon his own responsibility, think he can soonest reach from the spot where the ship shall have been detained. Ships, on board of which no slaves shall be found, intended for purposes of traffic, shall not be detained on any account or pretence whatever. Negro servants or sailors that may be found on board the said vessels cannot in any case be deemed a sufficient cause for detention.

Art. 2.—Whenever a ship of the royal navy, so commissioned, shall meet a merchantman liable to be searched, it shall be done in the mildest manner, and with every attention which is due between allied and friendly nations; and in no case shall the search be made by an officer holding a rank inferior to that of lieutenant in the navies of Great Britain and of the Netherlands.

Art. 3.—The ships of the royal navies so commissioned, which may detain any merchant ship, in pursuance of the tenor of the present instructions, shall leave on board all the cargo, as well as the master, and a part at least of the crew of the above-mentioned ship: the captor shall draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained ship, and the changes which may have taken place in it. He shall deliver to the master of the detained ship, a signed certificate of the papers seized on board the said vessel, as well as of the number of slaves found on board at the moment of detention. The negroes shall not be disembarked till after the vessels which contain them shall be arrived at the place where the legality of the capture is to be tried by one of the two mixed courts, in order that in the event of their not being adjudged legal prize, the loss of the proprietors may be more easily repaired. If, however, urgent motives, deduced from the length of the voyage, the state of health of the negroes, or other causes, required that they should be disembarked entirely, or in part, before the vessel could arrive at the place of residence of one of the said courts, the commander of the capturing ship may take on himself the responsibility of such disembarkation, provided that the

necessity be stated in a certificate in proper form.

B.—Regulations for the Mixed Courts of Justice, which are to reside on the Coast of Africa, and in a Colonial Possession of his Majesty the King of the Netherlands.

ART. 1.—The mixed courts of justice, to be established by the Treaty of this date, upon the coast of Africa and in a colonial possession of his majesty the king of the Netherlands, are appointed to decide upon the legality of the detention of such vessels as the cruizers of both nations shall detain in pursuance of this same treaty. The above-mentioned courts shall judge definitively and without appeal, according to the present treaty. The proceeding shall take place as summarily as possible; the courts are required to decide (as far as they shall find it practicable), within the space of twenty days, to be dated from that on which every detained vessel shall have been brought into the port where they shall reside;—First, upon the legality of the capture;—Secondly, in the cases in which the captured vessel shall have been liberated, as to the indemnification which the said vessel is to receive. And it is hereby provided, that in all cases the final sentence shall not be delayed on account of the absence of witnesses, or for want of other proofs, beyond the period of two months, except upon the application of any of the parties interested, when, upon their giving satisfactory security to charge themselves with the expense and risks of the delay, the courts may at their discretion grant an additional delay not exceeding four months.

ART. 2.—Each of the above-mentioned mixed courts, which are to reside on the coast of Africa, and in a colonial possession of his majesty the king of the Netherlands, shall be composed in the following manner:—The two high contracting parties shall each of them name a judge and an arbitrator, who shall be authorized to hear and to decide without appeal all cases of capture of vessels which, in pursuance of the stipulations of the treaty of this date, shall be brought before them. All the essential parts of the proceedings carried on before these mixed courts shall be written down in the legal language of the country in which the court may reside. The judges and the arbitrators shall make oath before the principal magistrate of the place in which the courts may reside, to judge fairly and faithfully, to have no preference either for the claimants or the captors, and to act in all their decisions, in pursuance of the stipulations of the treaty of this date. There shall be attached to each court a secretary or registrar, appointed by the sovereign of the country in which the court may reside, who shall register all its acts, and who, previous to his taking charge of his post, shall make oath before the court to conduct himself with respect for their authority, and to act with fidelity in all the affairs which may belong to his charge.

ART. 3.—The form of the process shall be as follows: The judges of the two nations shall, in the first place, proceed to the examination of the papers of the vessels, and to receive the depositions of the captain and of two or three at least of the principal individuals on board of the detained vessel, as well as the declaration on oath of the captor, should it appear necessary, in order to be able to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the present treaty, and in order that according to this judgment it may be condemned or liberated. And in the event of the two judges not agreeing in the sentence they ought to pronounce, whether as to the legality of the detention, or the indemnification to be allowed, or any other question which might result from the stipulations of the present treaty, they shall draw by lot the name of one of the two arbitrators, who, after having considered the documents of the process, shall consult with the above-mentioned judges on the case in question, and the final sentence shall be pronounced conformably to the opinion of the majority of the above-mentioned judges, and of the above-mentioned arbitrator.

ART. 4.—In the authenticated declaration, which the captor shall make before the court, as well as in the certificate of the papers seized, which shall be delivered to the captain of the captured vessel, at the time of the detention, the above-mentioned captor shall be bound to declare his name, the name of his vessel, as well as the latitude and longitude of the place where the detention shall have taken place, and the number of slaves found on board of the ship at the time of the detention.

ART. 5.—As soon as sentence shall have been pronounced, the detained vessel, if liberated, and the cargo, in the state in which it shall then be found, shall be restored to the master, or the person who represents him, who may, before the same court, claim a valuation of the damages, which they may have a right to demand: the captor himself, and, in his default, his government, shall remain responsible for the above-mentioned damages. The two high contracting parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be granted by the above-named court, it being understood that these costs and damages shall be at the expense of the power of which the captor shall be a subject.

ART. 6.—In case of the condemnation of a vessel, she shall be declared lawful prize, as well as her cargo, of whatever description it may be, with the exception of the slaves who may be on board as objects of commerce; and the said vessel, as well as her cargo, shall be sold by public sale, for the profit of the two

governments; and as to the slaves, they shall receive from the mixed court a certificate of emancipation, and shall be delivered over to the government on whose territory the court which shall have so judged them shall be established, to be employed as servants or free labourers. Each of the two governments binds itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it.

Art. 7.—The mixed courts shall also take cognizance, and decide according to the third article of this regulation, on all claims for compensation, on account of losses occasioned to vessels detained under suspicion of having been engaged in the Slave trade, but which shall not have been condemned as legal prize by the said courts; and in all cases wherein restitution shall be decreed, the court shall award to the claimant or claimants, his or their lawful attorney or attornies, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the claimant or claimants may have actually sustained by such capture and detention; that is to say, first, in case of total loss, the claimant or claimants shall be indemnified: *A.* For the ship, her tackle, appareil and stores. *B.* For all freights due and payable. *C.* For the value of the cargo of merchandize, if any; deducting for all charges and expenses payable upon the sale of such cargoes, including commission of sale. *D.* For all other regular charges, in such cases of total loss; and, secondly, in all other cases not of total loss, the claimant or claimants shall be indemnified: *A.* For all special damages and expenses occasioned to the ship by the detention, and for loss of freight, when due or payable. *B.* A demurrage when due, according to the schedule annexed to the present article. *C.* For any deterioration of cargo. *D.* An allowance of five per cent on the amount of the capital employed in the purchase of cargo, for the period of delay occasioned by the detention; and *E.* For all premium of insurance on additional risks.—The claimant or claimants shall in all cases be entitled to interest, at the rate of five per cent per annum on the sum awarded, until paid by the government to which the capturing ship belongs: the whole amount of such indemnifications being calculated in the money of the country to which the captured ship belongs: and to be liquidated at the exchange current at the time of the award.—The two high contracting parties, wishing however to avoid, as much as possible, every species of fraud in the execution of the treaty of this date, have agreed, that if it should be proved, in a manner evident to the conviction of the judges of the two nations, and without having recourse to the decision of an arbitrator, that the captor has been led into error by a voluntary and reprehensible fault on the part of the captain of the detained ship; in that case only, the detained ship shall not have the right of receiving, during the days of her detention, the demurrage stipulated by the present article.

Schedule of demurrage or daily allowance for a vessel of

100 tons	to	120	inclusive,	£.5
121 ——	——	150	——	6
151 ——	——	170	——	8
171 ——	——	200	——	10
201 ——	——	220	——	11
221 ——	——	250	——	12
251 ——	——	270	——	14
271 ——	——	300	——	15

per diem.

and so on in proportion.

Art. 8.—Neither the judges nor the arbitrators, nor the secretary of the mixed court, shall be permitted to demand, or receive from any of the parties concerned in the sentences which they shall pronounce, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present regulation.

Art. 9.—The two high contracting parties have agreed that in the event of the death or legal impeachment of one or more of the judges or arbitrators composing the abovementioned mixed courts, their posts shall be supplied, *ad interim*, in the following manner:—On the part of the British government, the vacancies shall be filled successively in the court, which shall sit within the possessions of his Britannic majesty, by the governor or lieutenant-governor resident in that colony; by the principle magistrate of the same, and by the secretary; and in that which shall sit within the possessions of his majesty the king of the Netherlands, it is agreed that, in case of the death of the British judge or arbitrator there, the surviving individuals of the said court shall proceed equally to the judgment of such ships as may be brought before them, and to the execution of their sentence.—On the part of the Netherlands, the vacancies shall be supplied, in the possessions of his majesty the king of the Netherlands, successively by the governor or lieutenant governor, the principal magistrate and secretary of government; and upon the coast of Africa, in case of the death of any Netherland judge or arbitrator, the surviving members of the court shall proceed to judgment in the same manner as above specified for the court resident, in the possession of his majesty the king of the Netherlands, in the event of the death of the British judge or arbitrator.—The high contracting parties have further agreed, that the governor or lieutenant governor of the settlement, wherein either of the mixed courts shall sit, in the event of a vacancy arising, either of the judge or arbitrator of the other high contracting party, shall forthwith give notice of the same to the governor or lieutenant governor of the nearest settlement of such high contracting party, in order that the loss may be supplied at the earliest possible period; and each of the high contract-

ing parties agrees to supply definitively, as soon as possible, the vacancies that may arise in the above-mentioned courts, from death or any other cause whatever.

The Treaty was ordered to lie on the table, and to be printed.

Petition of D. Correa.] Lord *Morpeth*, on presenting a Petition from Mr. Correa, stated, that he was one of the two Spaniards who were so improperly surrendered to the Spanish government by the governor of Gibraltar, in 1814, in consequence of a communication from the British consul at Cadiz. The companion of Mr. Correa had the good fortune to escape, but Mr. Correa himself was brought to trial by the Spanish authorities. The case was however brought into discussion in that House by a distinguished individual, now no more (Mr. Whitbread), and in consequence of the interposition of his majesty's government, which followed that discussion, Mr. Correa was liberated by the government of Spain, and sent to Gibraltar, from whence he came to this country. But the present complaint of Mr. Correa, and which he petitioned the House to take into its consideration, was this, that upon recently applying to the Spanish consul for a passport to return to Spain, in consequence of ill health and inability to subsist in this country, his application was rejected, on the ground that having been claimed by the British government, he had no title to Spanish protection. The petitioner spoke with great mildness and moderation of those from whom he had experienced such extraordinary treatment, and he appealed to the justice and liberality of parliament for the means of subsistence during his stay in this country.

Lord *Castlereagh* did not mean to oppose the motion, that the petition should lie on the table, although it prayed for pecuniary aid without having the consent of the Crown. He rose only to observe, that upon the liberation of the petitioner from the sentence of the Spanish authorities by which he was tried, in consequence of the interposition of the British government, he was remitted back to Gibraltar, being thus placed in the situation in which he was before his surrender by the governor of that fortress. Upon intelligence being received of the return of the petitioner to Gibraltar, orders were sent out from the proper officer that he should be provided with a passage for England, but he was distinctly told that government could make no provision for his subsistence in this country. The fact was, that the arrest and surrender of the petitioner at Gibraltar was for him rather a fortunate circumstance; for he was on his way at the time to the Canary Islands, of which he was a native, and in which he would have been subject to the dominion of the Spanish government. Had he then reached those islands, instead of being arrested at Gibraltar, he was likely to be in a very different situation from that in which he now found himself, in consequence of the interposition of the British government. As to the refusal of the Spanish consul to give the petitioner a passport, it was impossible for the government of England to interfere in such a case, or to dictate to the Spanish government what conduct it should pursue towards its own subjects. The petitioner was as much at liberty as any other man to leave this country; and if the Spanish or any other government thought proper to refuse him permission to enter into its territories, the government of England could afford him no redress in such a case.

Sir *James Mackintosh* said, he had no desire on the present occasion to revive any animosities or warmth of debate, or to cast any reflection either on the dead or the living, as connected with the treatment of M. de Correa. The noble lord had hinted at the previous political conduct of this gentleman, but had almost at the same time disconnected it from the present question. The real point was—had not the individual suffered a great grievance through the means of an officer of this country, and was he not entitled to the general relief he prayed? The nature of this gentleman's arrest was such, that the government of the country felt themselves bound in honour and duty to demand his release; he was accordingly released, and ultimately found refuge in this country. He now felt it necessary to go abroad for his health, and on application to the Spanish ambassador for a passport, as a subject of his Catholic Majesty, he is told, not that he is disentitled to it for his conduct to his own sovereign, be that what it may, but because England had felt it necessary to make great efforts in his favour on a former occasion: that was saying, in plain terms, "You shall not have a passport—you shall be divested of your national character as a Spaniard, which entitles you to claim one, because

England has endeavoured to atone to you for the wrongs which the error of one of her officers caused." The unfortunate gentleman was therefore to become the subject of no state—to be an eternal exile, and to forfeit the privilege of a Spaniard—if, indeed, any privilege belonged to one—merely because England had attempted to do him justice, for the wrongs and sufferings which he had suffered at the hands of one of her officers. Such conduct on the part of the Spanish government, was unfriendly towards an ally, and not calculated to uphold amicable relations, and the individual who suffered by it, had a good right to claim redress from the government which had placed him in his present predicament.

Lord *Castlereagh* begged to state, that what had been done in error on the part of this country had been remedied, and Correa was placed in a better state than he had been before. He had been tried and condemned by a Spanish tribunal, but the sentence had not been executed in consequence of his having been sent back to Gibraltar. He was at liberty to leave the country without a passport, and a Spanish passport could only have the effect of recommending him to other states. Had it not been for what had taken place on the part of this country, he would, at the present moment, have been immured in a Spanish prison. The inconvenience from which he suffered arose from the view that had been taken of the subject by his own government.

Sir *J. Mackintosh* observed, that the ground of the refusal of the passport on the part of the Spanish government, had not been noticed by the noble lord. That ground was, that, in consequence of Correa having been claimed by the British government, he could not be considered as under Spanish protection.

Lord *Castlereagh* said, that the release of Correa from prison, had been the only act of interference on the part of the government of this country.

Mr. *Brougham* wished to ask the noble lord whether any efforts had been made to effect the restoration of those unhappy persons to liberty, who had fought the battles of Ferdinand, and were now confined in loathsome dungeons, almost in sight of a British garrison? He should abstain from using any severe epithets against that monarch, as they were so unpleasant to certain ears; but he wished to know whether any remonstrances had been made, and with what effect, to what, out of compliment, he would call the liberal and enlightened policy of the grateful Ferdinand.

Lord *Castlereagh* answered, that such representations had been made to as great an extent as was prudent towards the individuals themselves. But the ill-judged efforts and language of the hon. and learned gentleman might rather be expected to retard than obtain the object in view.

Mr. *Brougham* replied, that it was no fault of his if he had uttered what might be deemed bitter sarcasm. The odious nature of the case justified any language that might have been used.

Mr. *Bennet* expressed his conscientious belief, that unless the observations which the noble lord condemned had been made in that House, no effort would have proceeded from his majesty's government in behalf of the unfortunate individuals in question.

The *Speaker* said, it was quite unusual to bring up any petition praying for pecuniary relief without the previous consent of the Crown. In this petition the word money certainly was not mentioned, yet it came so near to a prayer for pecuniary aid, that he begged to call the attention of the House to the difficulty of admitting such a precedent.

The Petition was then read. On the question that it do lie on the table,

The *Chancellor of the Exchequer* objected to its being received, on the ground that the prayer directly implied pecuniary relief, which could not be given without the consent of the Crown.

Lord *Cochrane* was not astonished at what the right hon. gentleman had just said. He knew very well it was impossible for any body in opposition to his majesty's government or their allies, to obtain redress. It had long been clear, that the ungrateful Ferdinand had the power of persecuting at home those who had preserved for him his Crown, and it was now evident he could hand them over for farther persecution to his majesty's ministers. The petitioner claimed relief for the sufferings he had endured through the unjustifiable interference of a British officer, and now, through an inaccuracy in the wording of his petition, he was to be shut out from redress. It was clear that a man who fled from despotism could find no friend in any of his majesty's ministers. This parliament was, very hap-

pily for the public, on the eve of being dissolved, and he sincerely hoped that the next would refuse to enact a standing order of this kind, which gave to the Crown a power to refuse redress to a suffering individual.

The Petition was then withdrawn.

LAND TAX ASSESSMENT IN WESTMORLAND.] Mr. *Brougham*, adverting to the circumstances which he had mentioned on Saturday, respecting the commissioners of the Land tax, said, he held in his hand an important document, dated the 23d of May, and signed and sealed by two respectable commissioners of the land tax in Westmorland. It appeared, that, instead of holding their first meeting as the act of parliament directed, on or before the 13th of April, they had delayed (from what motives he was not competent to judge) holding it until the 23d of May, when they issued an order, requiring that the assessments should not be made before the 27th of June. By this delay no voter could have his assessment corrected by the statutable means pointed out by act of parliament, in time to enable him to redeem his land tax. The names of the two commissioners were Christopher Wilson and John Hudson—the one a gentleman residing in the neighbourhood of Kendal, the other the vicar of that place. He by no means intended to impute improper objects to either of those two individuals, particularly to Mr. Hudson, who, it was very probable, had been practised upon by others. Nor, indeed, did he so with respect to Mr. Wilson: however, it was his duty to state, that he had been informed by respectable persons whose veracity, he believed, was unquestionable, that Mr. Wilson was the chairman of the principal election committee in that part of the county of Westmorland, for that party whose interests were manifestly to be benefited by a delay in the assessments, and that Mr. Hudson was a member of the same committee. This, certainly was rather an awkward coincidence, and led the mind to fancy that some connexion existed between the two circumstances. Nevertheless, as they were very respectable persons, he had no proposition to make to the House on the subject. He only hoped, that as the transaction had been noticed in the House, and as a decided opinion had been expressed as to its impropriety, the gentleman in question would not persist in such conduct, but would confine themselves to the provisions of the statute, without assuming a discretion highly detrimental to one of the parties interested, and calculated to disfranchise a large body of qualified voters in the country. He was far from suspecting that the noble lord opposite or his colleague countenanced any such proceeding. He acquitted them of doing so, because he believed them incapable of such an act, and because it was a very weak act, and would eventually do more harm than good to the party from which it proceeded. He attributed it to the overzeal of those inferior agents whose exertions seldom did much benefit to those in whose cause they were displayed. If, however, he found that the conduct which he had thus exposed was persevered in, he should be under the painful necessity of bringing it under the distinct consideration of the House.

Lord *Lowther* observed, that the application which had been made by several persons in the county of Westmorland to be assessed to the land tax was perfectly novel. He believed it was the only instance to be found in the kingdom of individuals soliciting to be taxed. With respect to the delay that had taken place in requiring the returns of the assessments, that was occasioned by the difficulty which the commissioners found in digesting the numerous acts respecting the land tax, and applying them to the district in question. He would confidently state that the commissioners of the land tax in Westmorland had exerted themselves with the greatest vigilance and activity. The noble lord also defended the conduct of Mr. Johnson, who was as respectable a solicitor as any in the county and on whom the hon. and learned gentleman had on Saturday made an unjustifiable attack. He could see in Mr. Johnson's application to the board of taxes, no infringement whatever of the privileges of that House.

Mr. *Brougham* said, he had not censured Mr. Johnson. On the contrary, he had declared that Mr. Johnson in what he had done, was only labouring in his vocation as an election agent. His observations were directed against the tax office, and his opinion was, that it exhibited an indecent appearance to see an election agent corresponding under that name with the board of taxes.

The *Chancellor of the Exchequer* con-

tended, that the Tax office had done no more than their duty.

Mr. *Wynn* observed, that there were two points to be considered. With respect to the first, he could not agree with the noble lord that it was very novel or extraordinary for applications to be made to be assessed to the land tax. When the act was passed for allowing the redemption of the land tax, a special clause was introduced in it, giving freeholders the power in question, thereby qualifying themselves for voters. It was the bounden duty of the commissioners to afford all possible facilities on this subject. Any intentional delay in doing so would be highly criminal, and if brought before the House and established, it would be the duty of the House to punish it with severity. Whether such had been the case in the present instance he knew not; that would be for the consideration of an election committee above stairs, should the question ever be brought before them. As to the other point, he confessed he did not see it in the light in which it was viewed by the hon. and learned gentleman. Whether Mr. Johnson was an election agent or not, he was entitled to the information for which he applied, although perhaps he might have been mistaken as to the body to which the application was made; and as to the Tax office, he agreed with the right hon. gentleman, that they had done nothing but their duty.

Sir *J. Graham* observed, that the land tax commissioners had been more vigilant and active in Westmorland, than in any other part of the kingdom; and he was persuaded, that if their conduct were investigated, it would be found, that they had done their duty.

Mr. *Waldegrave* hoped, that what had occurred would induce the next parliament to feel the necessity of some legislative enactment on the subject.

Here the conversation dropped.

Regency Act Amendment Bill.] Lord *Castlereagh*, in moving the second reading of this bill, thought it right to open shortly the object of the bill. He would, therefore, simply explain the provisions of the measure, without entering into any argument upon them. The bill divided itself into two branches. The first was, to ensure the more facile execution of the trust confided in her majesty, on the policy and propriety of which he conceived no difference of opinion could exist. The enactment that her majesty should have the additional aid of four other counsellors would, he was persuaded, under the circumstances of the case, be considered as affording her majesty only such facilities and accommodation as were indispensable. Experience had shown the necessity of such a provision. Some of the distinguished characters at present composing the queen's council were engaged in other public duties, and serious inconveniencies had repeatedly arisen from that circumstance; and in the event of the state of the queen's health rendering it necessary that her majesty should reside at a distance from Windsor, necessity, and a due attention to her majesty's feelings, prescribed that one or more of the council should be resident there. He apprehended, therefore, that as the additional commissioners were appointed by name in the bill, and, as any vacancies that might occur were to be filled up by her majesty, there could be no objection to this branch of the bill With respect to the other branch of the measure, he was aware that more difficulties might be started in the way of its adoption, although it was, in his opinion, impossible not to be convinced that had the point which it involved attracted more minutely the attention of the legislature when the bill originally passed, it would have been considered wise and prudent to have adopted it. It did not alter or infringe any of the regulations of the former act, respecting the contingency of the demise of the Regent or the Crown. The House must feel that in either of those cases the suspension of the executive government, in connexion with other circumstances, would require the immediate assembling of parliament, with whatever inconvenience it might be attended. It was a principle of the constitution, that the demise of the Crown should be immediately followed by the assembling of parliament. Although obtained at the inconvenience of annulling elections in progress—even on the eve of the day on which the writs were returnable—yet the constitution prescribed, that the least possible interval should occur before the assembling of parliament; and where no parliament existed, that the old parliament should reassemble for six months. In that most important contingency contemplated by the present bill, the demise of the queen, although that would be attended with difficulties not to be wholly overlooked, yet

they were not of such an urgent nature as to impose the necessity of an immediate assembling of parliament. The whole question, as detailed in the bill before the House, related to the time at which parliament in such an event should assemble. If a new election were in progress, it would certainly be highly inexpedient that the whole effect of it should be lost by such a contingency; and the bill therefore provided, not that the old parliament should in that case re-assemble, but that the new parliament should assemble within sixty days of the contingency contemplated. When the contests of various kinds that occurred during the debates on the original Regency act were considered, it would not appear surprising, that a point of this nature should escape attention. But the notice of parliament having now been directed to the subject, it did not appear to him, that there was any possible inconvenience in the way of adopting the present proposition. He would therefore move the second reading of the bill.

Mr. *Tierney* said, that with respect to the first object of the bill, if her majesty wished for the aid of four more counsellors, there could be no possible objection to granting them. Without, however, meaning the slightest disrespect to the noble individuals nominated in the bill, he must say that he thought rather too much of a party feeling of exclusion had been exhibited in their selection. If this subject had been discussed a fortnight ago, he should have felt some delicacy in speaking of that part of the bill which related to the possible demise of the queen. The happy restoration of her majesty's health had, however, removed any difficulty of that nature. It appeared to him extraordinary, that no provision was made in the bill to vest the care of his majesty's person, in the event of the demise of the queen, in some branch of the royal family. Surely it would be more proper that that should be the case during the sixty days which might intervene before the meeting of parliament, than that it should devolve to lords of the bedchamber and others. Arguing on the assumption, that the state of the queen's health might render necessary her residence at a distance from Windsor, would it not be desirable that some person should be placed by the law in her majesty's situation, to have the aid of the council? For let it be remembered, that the law never recognized the council as entrusted with the care of the king's person. The law gave to the queen that custody, and gave the council to her as her advisers. As her majesty's health might render a distant residence desirable, why not appoint one of the royal family to take her situation? The plain and obvious meaning of the bill was, to enable ministers to dissolve parliament without inconvenience. There could be no actual inconvenience arising from the absence of the members of the council. The archbishop of Canterbury resided near London: the master of the horse, in consequence of his office, was necessarily about his majesty's person: lord Winchelsea had the superintendence of the establishment at Windsor. The House might depend upon it that there would have been no bill of this kind, had not ministers thought it a good time to dissolve parliament. It was that which suggested the provision, that in the event of the queen's demise the old parliament should not be brought back; for those who recollected how many hours were occupied in the discussion of the original measure, could not believe that the provision which the present enactment went to alter was the result of mistake. It would, perhaps, be permitted him to speak of the possibility of the king's or of the regent's demise. Suppose, in that event, the new parliament was within a day of the return of the writs—as the law stood, no discretion was given on the subject; the writs must be annulled, and the old parliament recalled, with this special absurdity, that it might not be possible to assemble the old parliament so speedily as the new, since several days must be allowed in the proclamation for the one, and the other might, perhaps, be assembled immediately. Was not this evil susceptible of some remedy? There was another point on which he wished to say something. While the inconveniencies which might arise from the death of the queen, were viewed with great apprehension, against those which would result from the death of the regent—when there would be no king, no executive government—not any provision whatever had been made. He should be glad to know how the magistrates of the country were prepared to act under such an event? Some would, no doubt, take upon themselves the responsibility of assuming authority; but others, from want of nerve, or from other considerations, would decline embarking in that which would certainly be for the time illegal. Here, then,

was the House discussing the Regency bill, and leaving out that most important consideration—what was to be done in the event of the regent's demise? Could there be any doubt that in that event the duke of York would be appointed regent, by parliament? Where would be the inconvenience of making that appointment in the bill? If this were a point liable to be disputed, at that late period of the session, it would be inexpedient to introduce it, but it evidently was not so. Why, then, could not parliament exercise that function now, which, sooner or later, it might be called upon to exercise? Another point remained to be touched upon. Not a word was said in the bill respecting the Windsor establishment. Were he disposed to be very hostile to his majesty's government, or were he disposed at this important moment to court popularity, he might expatiate at considerable length on the unnecessary expenditure of that establishment. He might reply to the question, "Would you destroy his majesty's comfort?" that his majesty's comfort did not depend on the show or splendor which that establishment was calculated to maintain. He would, however, content himself with observing, that the queen's accommodation might be consulted (which, in the present state of her majesty's health, it was very desirable to do), and yet that a considerable saving might be effected in that establishment.—He had thrown out these hints for the consideration of the House. At this late period of the session, it was not his intention to move any specific proposition, conscious, as he was, that it would not be practicable to attract the attention of the House to it. The chief points on which he had thought it necessary to dwell, were the propriety of naming some of the royal family as members of the council, and the expediency of providing against the great inconvenience of our being left without an executive government by the contingency of the regent's demise.

Mr. *Canning* observed, that the bill before the House merely went to alter parts of the Regency act, and by no means to revise the whole. With regard to the principle on which, on the demise of the Crown, parliament was called upon to assemble, it was a rooted principle of the constitution. To attempt an alteration of it was a task which ought not to be entered upon without serious consideration, and without much more argument than a bill of the limited nature of that before the House required. The sense of the House had last session been very strongly expressed against any such change. He admitted, that in the unfortunate event alluded to by the right hon. gentleman, the Windsor establishment might become the subject of consideration; but he was persuaded the delicacy of the right hon. gentleman, and of every other man in the House, would revolt from discussing, at present, the ulterior saving that might result from such an event. On the whole, the bill was calculated to meet the exact circumstance under consideration. It was no shame to former parliaments that that circumstance remained unattended to by them. A thousand similar occurrences took place in private life. Every man ought to make his will; yet how often was such a precaution delayed until prompted by some sudden warning? The provision in the present bill ought certainly to have been introduced in the Regency act; but the necessity did not occur to the framers of that act. The necessity had now occurred, and it ought to be acted upon. With respect to the names of the four additional counsellors, they had been generally chosen on the same principle as formerly; namely, that such persons should be selected, as there was reason to believe the sovereign would have especially approved, had he been to determine on their appointment.

Sir *S. Romilly* remarked, that when the original act was passed, it was important that the power of re-assembling parliament should be given, because then the recovery of the king was extremely probable, but, in the present state of his majesty's health, all hope of that kind must be abandoned. So with the Windsor establishment, not a single subject of his majesty ever looked to it as affording the means of reducing the public expenditure, while there was the least prospect of his majesty's recovery; but now it certainly was a subject that ought, in that point of view, to be taken into consideration.

Mr. *Wynn* said, that the principle of the constitution was, that parliament was the king's parliament, and therefore that it expired with the king. By a particular statute of king William, it was provided that it should revive for six months, but that there should be no power to continue it for a longer period. With respect to the introduction into the council of members of the royal family, although, per-

haps it was not a matter of any great consequence, it would certainly be more decorous, and show more respect for that family, so to introduce them; and thus, in the event of her majesty's death, his majesty would still enjoy the protection and care of individuals of his own family.

The bill was then read a second time.

Conduct of General Campbell towards Count Cladan.] Mr. *Bennet* said, it would be in the recollection of the House, that a few weeks back, he had presented a Petition from a gentleman of ancient family * in the island of Cephalonia, one of the Ionian islands the inhabitants of which were, by the arrangements at Vienna, placed under the protection of this country. The House would, he hoped, do him the justice to believe him, when he assured them, that hardly any task was more disagreeable to him, than to put himself in the situation of a public accuser, and particularly an accuser of a gentleman who filled a high situation in his majesty's service, and who was not here to answer for himself. But when he considered, that it was not only the duty of the House to throw itself open to petitions, but that no member had a right to refuse to present a petition complaining of oppression, when a sufficient case was made out to lead him to believe that the allegations in it were well founded, he considered it his imperious duty to come forward with the present accusation. Though a member might not be bound to enter into a minute investigation respecting the statements in any petition which might be put into his hands, yet, in this case, he had taken great pains to satisfy himself respecting the foundation for the charge, and after examining very voluminous documents, he was satisfied that a *primâ facie* case was made out by count Cladan, the individual to whom he had alluded, for the interference of government to afford him redress; and in case government should choose not to come forward voluntarily to afford this redress, for parliament, to compel government, to do justice to him. The petition might be said to divide itself into two parts. The one comprehending the complaint of count Cladan, with respect to the injustice and ill-treatment which he had himself suffered. The other part related to the wrongs and injustice suffered by the inhabitants of the Ionian islands, to whom we were bound to afford protection. With respect to the first part, regarding what was personal to the count himself, he had been unfortunately engaged in a law suit. Lieutenant general Campbell, the individual against whom this accusation was brought by the court thought fit to interfere in this law-suit, by issuing a decree to the tribunal before which it was brought, ordering it not to act in this case according to the known, written, and acknowledged laws of the country. By this decree, he ordered the tribunal not to act according to the law, but to give such a judgment as was palatable to himself. Lieutenant general Campbell thought fit to issue this decree calling for such a decision, and to say that there should be no appeal from it. It was true that according to law, the tribunal was final, but lieutenant general Campbell had no right to interfere by issuing any such decree, and this assumption on his part was a gross and violent abuse of authority; for as military commander, and civil commissioner, he had no more right to interfere with any of the courts of justice of the people of the Ionian islands, than the hon. gentleman opposite had to interfere with the courts of King's-bench or Chancery. The count came over here in 1815. At that period lieutenant general Campbell was in this country. The count had made his complaint month after month to his majesty's government. He had received from the office to which the hon. gentleman opposite belonged, many civil letters, but it was his duty to state, that though the count's applications had been civilly noticed, there were no impediments which could possibly be thrown in the way of justice, which had not been thrown in the way of count Cladan. It had been said that the count might seek his redress in our courts of justice. He did not pretend to be lawyer enough to give a decided opinion on the subject; but he believed the only case which bore any analogy to the present was, the action brought by a native of Minorca against general Mostyn, in 1772.* The decision in that case turned on Minorca being a possession of Great Britain at the time the transactions, the subject of the prosecution took place, and on the native of Minorca being at that time the king's sub-

* See p. 329 of the present volume.

* For the case of Fabrigas v. Mostyn, see Howell's State Trials, vol. 20, p. 82.

ject to whom he owed allegiance. But he believed this gentleman, count Cladan, could not enter any of our courts of law, as the Ionian islands were not possessions of Great Britain, but merely placed under our protection. But supposing even our courts of law to be open, the expense was forgotten. Who was to bring over the hundred and odd witnesses which would be necessary to substantiate the charges against general Campbell? Any man who knew how criminal justice was carried on in this country must know, that, to obtain redress in such a case, was beyond the means of almost any private individual. How could it be supposed that an unfortunate exile could stand the expense of bringing over to this country hundreds of persons, and maintaining them here during all the delays of a trial? It was evident, therefore, that from the very expense alone this individual could expect no redress from any of our courts. In the case of general Mostyn, who had been guilty of the most arbitrary acts of imprisonment, the proceedings lasted three years. The sum of damages obtained was three thousand guineas. But any man who knew the expense at which these proceedings had been carried on, and the numerous witnesses which were necessary, knew that the damages were inadequate to defray that expense. There could be no question, that to obtain redress against so powerful an individual as general Campbell, for acts committed in the Ionian islands, and which required a number of witnesses from these distant parts, was beyond the means of any private fortune in those islands.—With respect to the other part of the petition, the acts which general Campbell had committed in his situation of lieutenant governor, against the people of the Ionian islands, he had received such assurance of the truth of them, not from this noble gentleman alone, but from another quarter, that he did not see how he could disbelieve them. He had the testimony of a person now in this town, a person of high rank and character, who was in the Ionian islands at the period when many of the atrocities were committed. This person, who was well known to many gentlemen of that House, was ready to bear testimony to several acts of abuse, calling loudly for vengeance and justice—he meant acts of corporal punishment, inflicted on the natives without any trial, at the sole will and pleasure of general Campbell. Before the Ionian islands came under our protection, he was assured that corporal punishment was unknown there—that there was no such thing heard of as a man's being dragged from his house and flogged at the halberd. What he was now about to state was not on the authority of count Cladan, but on that other person to whom he had alluded, who saw a person who had embezzled, it was said, some spirituous liquors, without any trial, tied to a mule and bastinadoed through the town three times, till he was in such a shocking state that it was with difficulty he could be conveyed to an hospital. It might be said, perhaps, why not try governor Campbell at Corfu? But no tribunal there had power to issue a summons in such a case. It was the duty of his majesty's government to institute an inquiry into this case. He defied them if they opened their ears—if they were accessible to the language of complaint as well as the language of panegyric—not to know as well as he did that the conduct of general Campbell in the Ionian islands had been the subject of great and reiterated complaint. While in Corfu, in Zante, in Cephalonia, and elsewhere, he had conducted himself in the most tyrannical manner; and he had left in the recollection of the inhabitants of those islands an impression most unfavourable to the British name. It had been said by Dr. Clark, that during the time these islands were under the protection of Russia, the sound of the bastinado was heard from morning to night; but he had been informed by persons well acquainted with these islands, that this charge against the Russians was unfounded. There was one charge against general Campbell of a most serious nature, that of issuing false money. What must be the indignation of every person in that House, when he saw the written evidence in proof of these acts of violence and robbery? The fact was, that there could be no denial of this. He would ask those members who had seen the decree by which this charge was subtantiated, if it could possibly be got rid of? Was not this a matter to be inquired into? Were the House to resist all inquiry, whether the facts were certain or not? It was also well known that general Campbell was in the practice of sending people, without trial, to the island of St. Maur, the climate of which was most unhealthy and pestilential. He

had banished persons to that island at his sole will and pleasure. He not only took it on himself to banish persons without trial, but to inflict fines on them, and there was hardly a gazette published, in which it was not stated that some person or other had been so fined. And yet, notwithstanding all the instances of abuse of power which he had stated, he understood that the hon. gentleman opposite meant to oppose the motion for papers, with which he should conclude.—But to return to the subject. There was one paper among those he should move for, which appeared to him of the most important nature. He understood there was among the papers delivered to the hon. gentleman, a copy of the very decree to which he had last alluded. One very strong act of oppression was stated to have been committed by general Campbell. A man was sentenced to be hanged, and against the sentence he had appealed. Between the time allowed by the law for hearing the appeal, general Campbell had ordered the sentence to be carried into execution. Was that fact, he would ask, true, or was it not? He said it was true; and if it was true, did it not call aloud for inquiry? He could assure the hon. gentleman, that if he thought he could satisfy the public without consenting to the production of papers, he was very much mistaken. He had no acquaintance with the person by whom this accusation was brought forward, and he had no acquaintance with general Campbell. He could not be supposed to be actuated by any wish to injure that officer. His object in bringing forward the charge was, to endeavour to rescue the character of the country from one of the greatest roproaches which could be cast on it—the shutting their ears against the complaints of those who were subjected to our power, though not represented here; but who were only on that account the more entitled to our protecting care. He was sure that hardly any measure could be more fatal to our reputation and to our interests, than a demonstration on the part of the government, seconded and backed by that House, to refuse all inquiry into the abuses of those appointed to offices of high trust and authority in our distant possessions. The hon. gentleman concluded with moving, "That there be laid before the House a Copy of all Correspondence that has taken place between his Majesty's Secretary of State for the Colonial Department and count Cladan relative to the Conduct of lieutenant general Campbell."

Mr. *Goulburn* said, that the hon, gentleman would recollect what he had stated, when the subject was first brought forward by him, namely, that he was giving the weight of his authority to an accusation of the gravest nature, against an officer who was greatly respected by all who knew him. He thought then as he thought now, that from the manner in which the hon. gentleman had brought forward these charges, which rested only on the authority of the person professing to be injured by lieutenant general Campbell, he was giving all the weight of his authority to them. He had then stated, that it was but fair to general Campbell, and the party by whom he was accused, that they should be brought before a legal tribunal. When the charge was first brought forward, he was unacquainted with general Campbell; he had only heard of him as an officer who had highly distinguished himself in the service of his country. He had since then seen general Campbell and when he saw him, general Campbell was under great irritation, not that count Cladan had thought proper to bring forward charges against him, but that weight was given to the accusation by the manner in which it had been brought forward by the hon. gentleman; for be it remembered, that that accusation to which the hon. gentleman had given the weight of his authority, was one which, if proved, would not only be declaring him unfit to hold any situation under government, but even to show his face in society. The hon. gentleman had said that he was anxious that justice should be done in this case, and therefore he had brought it before the tribunal of the House. But under what circumstances had he brought it forward. He had waited till the termination of the session, when it was impossible that the charges should be inquired into, while they would insinuate themselves into the public mind in the interval between this and a future session. Many of the most material of the papers for which the hon. gentleman had moved had been transmitted by government to the Ionian islands. It could not be expected of him that he should be nicely conversant with the law in the case, but he believed if general Campbell had acted in the way in which he was charged by count Cladan to have acted, there were tribunals in this coun-

try in which general Campbell could be called to account. He knew of one case which had occurred since he filled his present situation, in which the courts here received the cause, and did justice to the aggrieved party. The hon. gentleman had the advantage over him of having all the circumstances of this case fresh in his recollection; but the hon. gentleman knew that many of the documents had been sent to the Ionian islands; and if he were to enter on the question with the defective information which he possessed, he could not satisfy the House,and he might be injuring the cause of general Campbell. The hon. gentleman, in as far as he had expressed his belief of count Cladan's statement, had to that extent injured general Campbell. But though the hon. gentleman had given a credence to count Cladan, he was not disposed to give it to Dr. Clark, on the subject of Russia. He trusted the House would never forget that these charges rested on the assertion of an individual who came here three years ago with the professed object of obtaining redress against general Campbell, and that he had never yet taken any legal steps towards obtaining such redress. Because he knew this, and because he knew that there were tribunals regularly constituted, before which count Cladan could bring general Campbell, he was under the necessity of stating, that he disbelieved the statements in the petition. General Campbell had been thirty seven years in the service of his country, and during all that time, he had behaved in the most distinguished manner. He did not wish to pronounce any opinion with respect to count Cladan; but this he could state, that, in the opinion of all those persons whom he had consulted on the subject of this accusation, since the subject was last before the House, count Cladan did not stand on the same ground as general Campbell did, with respect to the credit and estimation to which he was entitled. He concluded with giving his negative to the motion.

Mr. *F. Douglas* said, that when his hon. friend had first brought forward his charges against general Campbell, whether he considered the situation filled by that gallant officer, or judged of him from the personal acquaintance which he had with him, his impression was, that the charges could not be substantiated. But he was bound to say that his hon. friend had made a complete *primâ facie* case which called for inquiry. This inquiry ought to be gone into, whether they considered the statement of his hon. friend, or the defence of the hon. gentleman opposite. For what did that defence amount to? Why this—that after the lapse of three months, he could not enter into the niceties of the law on the subject, and was not yet able to enter into the charges now brought forward;—that is, that he yet knew nothing of the law, and that he had not taken the trouble to investigate the facts. He was surprised to find that the papers moved for by his hon. friend, were to be refused, when he considered the effect which such a refusal would have on the inhabitants of all those settlements which were in the same situation as the Ionian islands. The hon. gentleman had talked much of the irritation of general Campbell at the manner in which the charges had been entertained. What was the impartial tribunal proposed by the hon. gentleman in this case? Before the hon. gentleman gave any opinion in such a case, he ought to have inquired into this subject. He spoke in the presence of gentlemen who might be better acquainted with the subject than he was. In the Minorca case the person who came before our tribunals had been a subject of England; but count Cladan was not a subject of England; for the inhabitants of the Ionian islands were not now, and never had been, subjects of England, they being only under its protection. By the constitution of the Ionian islands, no appeal could lie from their courts to this country. Any individual complaining of acts of oppression and abuse committed by a person holding the high situation of representative of the English government abroad, had a right to come before the House of Commons, and the House of Commons ought in such a case to be a just tribunal, at all times open to the natives of those countries subject to our sway, and placed under our protection. The House of Commons ought to be open to such complaints, even though another tribunal should be open. He really considered this question as one of the utmost importance, when he considered how many countries were now added to the dominion of Great Britain.

Lord *Castlereagh* said, that though there ought to be a sincere feeling in all our colonies, that the people would find protection in this country and obtain redress for their grievances, he yet must protest

against the principle, that this House was to afford them redress, in the first instance, and that it was not to the ordinary tribunals of the law that they were to look. If this monstrous doctrine were to be allowed, it would lead to expectations which could never be satisfied, and to the inducing persons to bring forward calumnies against individuals which it would be impossible to refute. Even if this case were eminently suited for being brought before the House, as it was impossible for the House now to interfere with any effect, the bringing it forward at this late period of the session was only enabling the hon. member to make *ex parte* statements, to the prejudice of a gentleman who was not present. His hon. friend could not know enough of the case to undertake the protection of the character of that officer. He was disposed to believe that the hon. member was actuated by a desire of doing good, but in a case like the present he could only at this time become the instrument of vilifying a respectable character, and of doing mischief. On these grounds he protested against the principle which was growing up in this country, of bringing every case before that House.

Mr. *Barham* agreed with the noble lord, that nothing could be more improper than to bring under the consideration of that House cases which might be readily decided before a competent tribunal in the colony or place where they arose. But from what he understood of the present question, the officer to whose conduct it referred, had taken upon himself the authority of revising judicial decrees, and of interfering with the ordinary administration of the law. He had thus set himself above the reach of those tribunals before which the matters in dispute were originally cognizable. He thought the character of general Campbell deeply interested in repelling the charges preferred against him.

General *Thornton*, from having seen general Campbell in the exercise of his military duty, thought it impossible he could ever have acted in the manner in which he was stated to have acted.

Mr. *Lockhart* was of opinion that it was a dangerous practice to bring forward in that House the cases of persons in an inferior station of society, but he must protest against the extension of this principle to questions affecting the government and well-being of our foreign possessions. In proportion as they were enlarged, and the number of officers appointed to administer their affairs was increased, it became necessary that the inquisitorial powers of parliament should be extended, and rendered commensurate with the almost sovereign authority which was sometimes delegated to those officers. General Campbell had exercised a supreme authority, and it was no answer in such a case to a person who complained that he had been aggrieved, to refer him to the ordinary course of justice.

Captain *Waldegrave* thought it his duty to protest against the doctrine advanced by the noble lord, which he considered as imposing an unconstitutional restraint upon the freedom and discretion of every member. Here was a case stated, in which the right of appeal (a right always allowed in a neighbouring country) to a second court, after a judgment of death had been invaded, and the appellant executed. Could it be said that this was an allegation which did not call loudly for inquiry? When he first heard the charges mentioned, he certainly had not felt disposed to admit their truth, having always entertained the highest opinion of general Campbell's honour and humanity. He must at the same time state, that he was not satisfied with the declaration of the hon. member opposite, that he was ignorant of the facts, and that it was now too late to attempt to inquire into them.

Mr. *Money* could not believe it possible that general Campbell had been guilty of the charges preferred against him.

Mr. *Bennet*, in reply, said, he conscientiously believed the greatest part of the charges were true, not on the authority of count Cladan, but on that of an English gentleman of rank, who had held a high situation in the Ionian islands. Whenever an abuse was charged against any individual in that House, there were always gentlemen ready with their panegyric of the accused. This was an Old Bailey trick. There were always persons at the Old Bailey ready to bear the highest testimony to all criminals—they would have trusted them with untold gold—but they were often hanged notwithstanding these warm panegyrics. General Campbell had again and again been closeted with lord Bathurst, and he believed the reason why the hon. gentleman told nothing of what must have transpired on these occasions, was because he did not choose to tell. Surely such charges as those which had been brought forward

deserved investigation. He knew more than he had stated, and before another session passed, he would endeavour not only to justify count Cladan, but, in justice to those subjects of ours and to the character of England, bring this subject before the House. The language of the noble lord might do very well at the place to which he was going, but these charges of his would not deter him from doing what he considered his duty. They were not friends to general Campbell, who refused investigation in this case. The hon. gentleman had had a whole month for investigation—he had had general Campbell at his elbow—he ought to have extracted answers from him, if he did not voluntarily make them. The general had since gone abroad, but if his answers had been satisfactory, the hon. gentleman would have come down to the House with a triumphant case, for the purpose of lowering him (Mr. B.) in the estimation of the public, as a person destitute of prudence.

Mr. *Goulburn*, in explanation, said, that when general Campbell called on him, he informed him he had made arrangements to go to Paris, and had asked him (Mr. G.) whether he ought to stay in this country. He had given it as his opinion, that there was no necessity for his remaining in this country; and that he had only to be in readiness to return when his presence was wanted. It was not the case, therefore, that general Campbell had fled from the accusation.

The House divided: Ayes, 8; Noes, 46.

List of the Minority.

Barham, J.	Williams, sir R.
Chamberlayne, W.	Wood, alderman.
Duncannon, visc.	TELLERS.
Douglas, hon. F. S.	Bennet, hon. H. G.
Jervoise, G. P.	Waldegrave, hon. W.
Lockhart J. J.	

HOUSE OF LORDS.

Tuesday, June 2.

PURCHASE OF GAME BILL.] The bill having been read a second time,

The Earl of *Carnarvon* moved that it be now committed. The sole object of the measure, his lordship observed, was, to place the buyer and the seller of Game upon the same footing. As the law at present stood, the latter was subject to penalties, whereas the former was safe from all punishment. If their lordships rejected this bill, they would give encouragement to the rich suborners of an offence which the poor were tempted to commit, and which it was thought fit to allow to remain an object of severe penalties. If there existed any principle of law more cruel and unfair than another, it surely was that which punished the poor and acquitted the rich, when equally implicated in criminality. He had taken up this bill as he found it on the table, and he was of opinion that it had come from the Commons in a shape which did not promise that it would prove very effective in its operation. The state of the game laws was altogether objectionable; but, bad as the system was, it became their lordships duty to do what they could to improve it, and render it consistent, when their attention was seriously called to it, as it now was, by the bill before them. It was the wish of his noble friend who expressed his disapprobation of this bill yesterday, that game should become the property of those on whose lands it was found, and that the sale of it should be legalized; but in the committee of the House of Commons, though great attention had been paid to the subject, it had hitherto been found impossible to carry that principle into effect. To make game property was a proposition environed with numerous difficulties. In order to give it the protection of law, evidence of ownership would then be necessary; and upon what kind of proof that should be decided was not an easy matter to determine. He had considered the subject much, and conversed with land proprietors in different parts of the country, but had never been able to come to any satisfactory conclusion. The question now before their lordships was, however, one of a practical nature. It was merely whether they would allow a law to remain in force, by which the poor man suffered the infliction of severe penalties, while the rich man was exempt from all punishment.

The Earl of *Lauderdale* thought there was no person acquainted with the situation of the gaols throughout the country, crowded as they were with persons committed for offences against the game laws, who would not oppose this bill. He was against every sort of tampering with the subject, because he knew that it was impossible for their lordships to go at this time into a consideration of the general system of the game laws; and unless the question was taken up on that large scale, no good could be done. His

noble friend had inferred that the seller of game must be a poor man, and had truly stated, that it was hard to punish the poor and let the rich escape; but the measure he supported would have another operation, which he completely lost sight of. The bill was so framed, as to render it impossible that any evidence of the commission of the offence should be obtained. How could there be any evidence of the offence, if the buyer and seller were both equally guilty in the eye of the law? But why were the gaols filled with unfortunate men, charged with offences against the game laws? Precisely for the same reason that the public was shocked with so many executions for forgery. An artificial system of paper had been introduced, which formed a temptation to the commission of the crime of forgery. In the same way, the unnatural state of the game laws produced a constant desire to violate them. In legislating, the first thing always to be considered was, whether the measure proposed was practicable. Did not their lordships know that there was in this country a numerous body of funded proprietors as rich as landed proprietors? These men had no manorial rights, but they possessed wealth which gave them the command of every thing they could desire for their table; and with what they desired they would, doubtless, be supplied, in spite of all the laws which could be enacted. In consequence of the Union with Ireland, many great landed proprietors of that country resided in this, especially during the sitting of parliament, and they must also find it necessary to purchase game. It was absurd to suppose that men of great fortune could be prevented by laws from obtaining any of the luxuries of life. If his noble friend persisted in this bill, he should perhaps feel it his duty, at a subsequent stage, to move for the lord steward's accounts, by which their lordships would then see that the table of the sovereign was served with purchased game. An attempt to amend the game laws by a measure like the present, was, in his opinion, perfectly contemptible; but as at this period of the session it was impossible to go into the general consideration of so important a question, he thought the bill ought to be withdrawn, in order that the subject might be taken up on more enlarged principles, in the course of the next session.

Earl *Grosvenor* reminded their lordships that the question had been very fully discussed in the other House of parliament, and that it had not been found practicable to bring forward any other measure at present but this bill. He had strong objections to the existing game laws. Among other things, he considered it a great hardship that the lives of gamekeepers should be exposed in the manner they daily were, by the imperfect state of these laws. He wished that the whole system should be taken into consideration; but when the question was, whether he would in the interim agree to the bill, he must say, yes. This answer he was bound to give, on the maxim that the receiver was as bad as the thief; but in this case there was the additional consideration, that the person proposed to be punished was not only the receiver of the stolen goods, but the encourager of the theft.

The Earl of *Limerick* felt it impossible for him to add any thing to the unanswerable arguments of the noble earl who had expressed so able an opinion against the bill. It should have his decided opposition. Indeed, it appeared to him that it must be perfectly nugatory, as well on account of the deficiency of evidence alluded to by the noble earl, as of the practices which would be resorted to in selling game. Were their lordships not aware that a turkey might be sold for four times its value, and game given in as a present along with it? Was there any law to prevent this? He thought it very hard that persons who could not procure game from their own estates should be prevented from obtaining it by purchase. The bill was a measure of unnecessary severity, and though he was fond of sporting, he loved the liberties of the people still more than the preservation of game, and should therefore vote for the rejection of the bill.

Lord *Holland* said, he was not extremely fond of sporting, but had, he believed, as high a regard for the liberties of the people as the noble earl who had just sat down, and yet he intended to support the present measure. He could not, however, give his vote for the bill without some explanation of the reasons on which that vote was founded, lest it should be supposed that, by the support he gave to this measure, he in any way approved of the principle of the game laws. To those laws he objected, not merely on the ground of their being founded on an unjust principle, but because they formed a fertile

nursery of crimes. He could not help expressing his surprise at the extraordinary view of the question taken by his noble friend, and which the noble lord who spoke last so highly applauded. His noble friend had very ingeniously introduced the paper system into this question, though, for his part, he confessed he could not see the similarity of the cases between the forger and the buyer of game. His noble friend had dwelt on the inconveniences which a great number of wealthy persons would suffer who possessed no manorial rights. But if his noble friend was really desirous of altering the whole of the game laws, ought he not to support a measure which would make all those persons hostile to the system he wished to see changed? On the contrary, instead of making them enemies, he wished to place them in the situation of seducers. His noble friend had said, that the effect of the bill would be to prevent the obtaining of evidence. It appeared then, that, as the law now stood, the purchaser of game might convict the seller. But his noble friend paid a very indifferent compliment to those wealthy persons without manorial rights, for whose comfort he was so anxious to provide when he advanced this argument. Did he mean to say that the rich fundholder, after obtaining a partridge for his table, turned informer against the poor poacher who procured him that luxury? But this was a serious subject, and required the serious consideration of parliament, as soon as it could be taken up on general principles. He was aware that the proposition of making game property, was one of considerable difficulty, but he was not afraid of the consequence of such a measure with respect to violations of that property; for he could not conceive it possible that any law making game property could be the cause of such crimes as were the offspring of the present laws. At all events, their lordships were bound to consider the state of the law as it now stood, and render the system as consistent as possible with itself. He should therefore give his vote in favour of the bill.

The *Lord Chancellor* felt it impossible for him to give his assent to the bill as it now stood. If it was the intention of their lordships to deal out equal justice to the rich and the poor, this bill did not accomplish that object, for it only imposed a fine on the rich purchaser, whereas the poor seller was liable both to fine and imprisonment. A poacher had been committed to Dorchester gaol for six weeks, for selling game to a man of property, while the purchaser went free. This was in contradiction to their lordships opinion, that the buyer was worse than the seller. If the proprietor of one estate purchased game poached in his neighbour's, the principle of impartiality on which the bill proceeded would require, that if such a proprietor were the first man in the county, he ought to be sent to gaol as well as the poacher. It was fit, then, if their lordships adopted any measure on this subject, that they should take care to make it one which would deal out equal justice to all.

Earl *Bathurst* alluded to an opinion which had been entertained, that by this measure qualified persons would be liable to punishment for the sale of game, which he thought by no means followed from the enactments of the bill.

The *Lord Chancellor* said, that to make the measure consistent, the person who purchased game ought, not only to be liable to a fine of *5l.* but to imprisonment in the same manner as the poacher.

Lord *Holland* observed, that it would be very easy to alter the clause in the bill in such a manner as to remove the noble and learned lord's objection.

The House divided: Contents, 33; Non-contents, 9 — Majority, 24. The House then went into the committee.

ALIEN BILL.] The Earl of *Lauderdale* presented a Petition from certain certain persons who had recently purchased shares in the Bank of Scotland; and who, his lordship observed, were now threatened to be unjustly divested of their rights by an *ex post facto* law, introduced by the noble secretary of state. The petition being read, stated, that the petitioners were proprietors of stock in the Bank of Scotland, and were therefore by law naturalized subjects: that they had learned that, in a bill before parliament for continuing the Alien bill two years, a clause had been inserted, declaring that all persons who had purchased shares in the Bank of Scotland since the 28th April last, should be deemed and taken to be aliens; that, under the authority of the existing law, the petitioners and many other persons had purchased stock, and had thereby acquired the rights of natural born subjects; that they were merchants carrying on their trade in the

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British dominions, and that many of them were married and had children born to them in this country. Having purchased the stock on the supposition that nobody in Great Britain could be deprived of the rights they possessed by an *ex post facto* law, they prayed that the clause might not pass, and that they might be heard by counsel against it.—The noble earl moved that the petitioners be heard by their counsel against the bill.

Lord *Sidmouth* submitted to their lordships, whether, after the discussion which the clause in question had undergone, it could be considered necessary to hear counsel on the part of the petitioners. He saw no ground for such a proceeding, and should oppose the motion.

Earl *Grey* was astonished to hear the noble secretary of state, without assigning any good reason, or giving any statement of the grounds of his opinion, recommend it to their lordships to pay no attention to the application which had been made to them. All that he had offered was an assertion that the clause had already been discussed. But what was the real state of the case? A certain number of individuals who, under the sanction of the laws and constitution of the country, had acquired rights and property, prayed to be heard by counsel against a measure which proposed to deprive them of the advantages they had fairly and justly acquired. They had stated that they were merchants, and most of them the parents of natural born subjects. In this situation, they complained of the violation of a public right, and asked to be heard in defence of their property and the rights which belonged to it. Could their lordships be prevailed on to refuse to hear them? Their petition was respectfully expressed; no objection could be made to receiving it; and yet the noble secretary of state expected their lordships to reject its prayer, though he had used no argument to induce them to adopt so extraordinary and so unjust a course. Their lordships would recollect that they were judges on all questions of property in the last resort, and that it was in a peculiar manner their duty to guard against the violation of those rights on which the security of property depended.

The Earl of *Liverpool* trusted he felt as sacred a regard for the principles of the constitution as any other person could do, but he did not think the noble lord could state any ground against the introduction of the clause. That clause was introduced on public grounds and for public objects, and in such a case the claims of individuals must yield to the public good, though perhaps they might be heard with a view to compensation. Whether those who claimed redress under the measure were entitled to it or not, he would not say; but he could produce many precedents, where, in cases of state necessity, it had been the duty of parliament to legislate, without any regard to the claims of individuals. Compensation had indeed been attended to, but that did not affect the principle he had stated. He very well recollected, that when the question of the Slave trade was agitated, one of the objections against its abolition was the effect it would have on interests vested by act of parliament. He had agreed in the weight of those objections, and admitted that, if a case of injury was proved, compensation ought to be made: but if ever there was a question that stood upon unanswerable grounds of public policy, it was the present measure of the Alien bill; it was the policy pursued by this country with respect to foreigners; and what was that policy? He never heard the greatest latitudinarian contend, on the subject of qualification, that any man could become a naturalized subject except by taking the oath of allegiance; and now to contend, that the investment of so small a sum as 80*l.* in a banking company should confer that high privilege, was a most unheard-of assumption. Indeed, the clause in the act relating to the Bank of Scotland had been virtually repealed by several subsequent acts. By the 14th of the king it was declared, that no person should thereafter be naturalized unless he conformed with various requisites. This expression repealed the clause in the Bank act, by implication; and yet, because that clause had never been expressly repealed, the noble earl would infer that it was still in force; and it had now been conjured up for a particular purpose to be enforced in violation of all the sacred principles of the constitution, of all the principles of allegiance to the Crown and the government. A proposition so monstrous, so unheard-of he believed had never before been made in that House; and if their lordships acceded to it, they would render of no effect, a bill, which after all that had been said, he deemed of the most vital expediency to the interests and existence of Great Britain.

Lord *Holland* complained that the noble earl had not stated the question fairly. He had said that the question turned on the repeal of the act of Settlement, and the public expediency of the Alien act. The question was not, however, whether the effect of the act of Settlement should be repealed, but whether their lordships would hear, at their bar, parties who complained that their persons and property were affected by the operation of a retrospective law; and whether that law, which seemed to make the noble earl so impatient, should be repealed in a single day, without any regard to the interests or vested rights of individuals. However, as the noble earl had dwelt so much, and with such vehemence, on this alleged preposterous law, he could not help observing, that he had fallen into a mistake from the hurry with which this clause had been brought forward. It was, indeed, but natural, that any one should be taken by surprise in a question that could not be at once understood in all its bearings. The noble earl would find, if he examined the subject, that this clause in the Bank act did not creep by the Union unnoticed, but that the framers of the act of settlement had it distinctly in view; for they, in speaking of the effect of the act of Settlement on the question of naturalization, included all those already naturalized by any Scotch law. The question, however, was, not the propriety or impropriety of altering that law, but whether we should break down other great principles for the sake of obviating an imaginary danger, or compassing an imaginary convenience. We were told, that the Alien bill was a balance of inconveniences. Now, the inconvenience apprehended on one side was, that certain persons whom ministers wished to have in their grasp and net, had got out by relying on the laws of the country. Who these persons were, he knew not, except that they had been long domesticated here, and were good subjects of the king. That was the inconvenience on one side: on the other, we broke down all rules and principles of government, and attacked the property and security we professed to ensure. But the noble earl had argued this as a question of great state policy, in which the interests of individuals must be sacrificed to those of the public; and he had alluded to the abolition of the Slave-trade, in which private interests had suffered severely. He (lord Holland) well remembered the discussion on that question, and he recollected hearing, hour after hour, the counsel who spoke for persons interested in that trade. There was, however, a main difference between their situation and that of the petitioners. The petitioners here did not insist that the bill might injure their future prospects or speculations, but that it did take away from them those rights which they had already purchased under the existing laws of the country. We had told foreigners, that by the same laws which secured to landholders their land, to fundholders their claim on the funds, they might acquire and enjoy the rights of naturalization. And this the noble earl had called preposterous. Preposterous! yes, it was preposterous in the House, after omitting this subject on the first and second reading of the bill, now, on the third reading, to foist it in for the first time. And then the noble viscount said, that after the ample discussion of a former night, he must refuse to hear counsel. Why, if the bill had been discussed in the fact, second, and every stage of its reading, it would still be accordant to usual practice to hear counsel before it was passed. If the noble viscount's doctrine was to be admitted, there was an end of hearing counsel altogether: it was only to say, that the occasion on which petitioners requested to be heard was one of great public convenience, and their request might at once be refused. But he had known counsel heard on a third reading. The House was a tribunal of the last resort to all who were aggrieved, and it behoved them to hear the petitioners even with a view to the very measure they complained of. Let the House know who these petitioners were; with what view they bought the shares in question, and to what amount. After all the pretence that had been set up about the balance of inconveniences, this was the principle, if any, on which their lordships ought to legislate. Say what they would, if they refused the prayer of these petitioners, they would sanction a great and flagrant injustice. Sure he was that this sacrifice to ministerial convenience would lead to a suspicion that more important rights would next be attacked. He had spoken last night of the ill effects of arbitrary power, and had shown that those who were pampered by the high food of despotism, would acquire a disrelish for the homely establishment of a limited government. There could be no greater proof

of this, than that the noble viscount, so celebrated for his mildness of character, after having been pampered with the suspension of the Habeas Corpus, the bill of indemnity, and the Alien act, would not now condescend to hear the counsel of petitioners whose rights and property were sacrificed to an *ex-post facto* law.

The House then divided on the question, whether counsel should be heard or not, when the numbers were: Contents, 12; Not Contents, 22.

LORD ERSKINE'S BILL TO PREVENT ARRESTS ON CHARGE OF LIBEL BEFORE INDICTMENT FOUND.] On the order of the day for the second reading of his Bill "to prevent Arrests by Justices of the Peace on Charge of Libel before Indictment found,"

Lord *Erskine* rose and said:

My lords; I cannot help prefacing what I have to say to your lordships on this important subject, by adverting to what fell from my noble and learned friend on the woolsack when I moved the first reading of this bill. He agreed with me on the propriety of postponing all discussion until the second reading; yet in a single word disposed at once of the main question, by asserting that there was no such doubt upon the law as the preamble recited, although it was the principal foundation of the enacting part—My noble and learned friend, with great good nature and pleasantry, frequently adverts to his supposed propensity to doubting; and I can account for that propensity more distinctly than it would be decent for him in speaking of himself. No man, I believe, who has sat in the court where he presides, ever brought to the public service a more consummate knowledge of all its principles and practice—By nature a man of talents, from education a scholar, and bred from his very youth in the study and experience of all its possible transactions, nobody could be better qualified to decide in that forum with the same rapidity as he did the other day *here* on the subject now before us—yet how often does he *there* pause, and *re*-pause, consider, and re-consider—and why? From the justest and most amiable of all motives—He even runs the risk of sometimes appearing undecided and dilatory, rather than mistake the rights of the meanest individuals, in the most inconsiderable concerns, whose interests are in his hands—How much the rather then ought he to extend the same anxious reserve and caution to a case like the present, where the interests of the *whole people of this land* are in question; where he has not merely to decide upon a right of *property*, but where FREEDOM AND REPUTATION are to be asserted and defended; where men are to be rescued from oppression and ignominy, and from a severer punishment upon the bare suggestion of an almost undefinable defence than in most cases would follow after conviction and judgment—My noble and learned friend ought besides to have recollected that he does not, though in this numerous assembly, pronounce only a single judgment; he must know the weight it must have with others; and we are but too apt, after having delivered an opinion, rather to combat in its support, than to open the mind to impartial consideration—yet I ought not to be afraid of this. My noble and learned friend can surely well afford to say he was mistaken,—it would not at all affect his reputation for learning, but would, on the contrary, exalt it.

There shoots across my mind at this moment a striking instance of this candour in lord Mansfield, which I have long treasured up in my memory, having a strong interest to remember it, because it was useful to me in the beginning of my professional life. Having been engaged in a cause where that great Chief Justice had strongly supported the case of my client, the jury found a corresponding verdict; but a rule having been obtained to set it aside for the Judge's misdirection, I had to support his opinion in the court of King's-bench. When I had finished my argument, he said—I fear, with more indulgence than truth,—"This case has been remarkably well argued; so well, indeed, that whilst the learned counsel was supporting my direction, I began to think I had been in the right, whereas I never was more mistaken in my life; I totally misunderstood the case and misdirected the jury—So there must be a new trial and without costs."—Did this lower lord Mansfield? So far from it, that, having persuaded myself his first opinion was the best, I could not help saying at the time, that if I had not been convinced of his integrity, I should have thought he was practising a fraud to advance his reputation. It was, indeed, a justice to truth which *weak* men are afraid of making, and, therefore, it is so seldom made.

My lords, in discussing the matters now before you for consideration, I can offer nothing new to your lordships. It is my intention only to recall what was so convincingly stated to the House by my noble friend who sits behind me, in the last session.* I had not then considered the subject, and was not sure but that I might be subject to an undue influence from the extraordinary ability and eloquence of the argument, and from the wish that my noble friend might be found to be in the right; but when I had maturely considered the authorities he cited, I was more and more convinced that they were conclusive, and gave notice of this bill which it is now my purpose to support.

There are two points for decision quite distinct and independent; first, whether as the law stands at present, justices of the peace have jurisdiction to commit and hold to bail on the charge of a libel, *before indictment found.* And, secondly, whether supposing that jurisdiction exists, it should be suffered by parliament to continue; and as on both these points I am most anxious to obtain a favourable hearing, I wish to remove in the outset any prejudice that may stand in the way of it. Perhaps, then, it may be supposed by some, that, by the law I am now proposing, I seek to give facility and protection to those who make a trade of defaming the government of the country; but I pledge myself to show you that the passing it will have quite a contrary effect—a circumstance which, even of itself, independently of the protection of innocence, is a powerful recommendation; as I consider, and always have considered, a systematic defamation of public measures and public men as a very great calamity. Libels of that description must always more or less exist in a free country, but they can only be kept under and rendered odious by the determined support in parliament of the acknowledged principles of the constitution, and by a liberal, and manly confidence in the good sense and affections of the people.

With regard to the first question, viz. the jurisdiction of justices to commit, and hold to bail on the charge of a libel before indictment found, it can of course be only supported by force of the common law, or by express statute; and in examining whether it exists under the common law, my noble friend was most correct in saying that the common law must be found either in the decisions of courts, which are the highest evidence of it, or in the writings of eminent judges and lawyers, whose works are held to be authority; or in universal practice, which must be admitted, in some cases, to be another evidence of the law. These are the only sources from whence this jurisdiction can be derived; because the commission of the justices not only does not support it, but will be found as we proceed, to be a strong presumption against its existence.

First, then, as to the common law, which being the great fountain of all our liberties we ought to be abundantly cautious how we suffer it to be adulterated. I have always had a feverish jealousy upon this subject, and a great horror of that kind of law commencing in acknowledged usurpation, but growing up at last into such practice, by incautious decisions, and negligence in parliamentary revision, as to make it dangerous to root it out without the direct authority of a statute—This is a subject well worthy of consideration, and a reason for putting into some more established course of activity our committees of Courts of Justice, but particularly in the House of Lords, the supreme court of justice; because this evil of usurpation has not only corrupted the common law in many instances, but the written statutes of the kingdom—common law can only be known from customs and decisions establishing them; but the *written* law should always speak for itself. When open to two constructions the courts must indeed decide, but when open to *one only* the statute is then a solemn record of the law which ought always to be conclusive authority in the teeth of any number of decisions which may oppose it — What greater proof, my lords, need be looked for of this tremendous evil than the present state of the laws for the support of the poor in this part of the island? In the excellent report of the committee of the House of Commons, (drawn up, I believe, by Mr. Sturges Bourne, which entitles him to the thanks of the whole public), it is stated to be the opinion of that committee (and in which they are perfectly well founded), that parliament never intended to depart from the principle of the statute of Elizabeth for the relief of the *impotent* poor; yet now, from the entanglement of conflicting and repugnant decisions, without any fault in the superior courts, the coun-

* Earl Grey. See Vol. 36, p. 445.

try is overrun with sturdy, and able bodied beggars, claiming as a right what even national charity never warranted nor ought to warrant, and 8 millions per annum are thus levied upon the people, not half of which is authorized by any law whatsoever, whilst the condition of the poor themselves has been made worse instead of better by it, and the morals of the people destroyed. In this manner has "Magna Charta," and more than twenty following statutes *de tallagio non concedendo* been trampled upon and set at nought.

To bring home this evil of usurpation to the very subject before us, even to the highest courts in other times, whose decisions are, however, binding upon us now, let us hear what was said by lord Camden in the case of Entick and Carrington,* well styled by my noble friend an immortal judgment, when the authority of the secretary of state, which is now not disputed, was confirmed as the law: "I am satisfied," said this great judge, "that the secretary of state hath assumed this power as a transfer, *I know not how,* of the royal authority to himself; *and that the Common Law of England knows no such magistrate.* At the same time I declare, wherein my brothers do all agree with me, that we are bound to adhere to the determination of the Court in the cases of the queen against Derby, and the queen against Earbury, and that I have no right to overturn those decisions, even though it should be admitted that the practice which has subsisted since the Revolution had been erroneous in its commencement." Now, my lords, as lord Camden also declared that every lawyer would say that a practice since the Revolution could not in itself establish the law, what was it that bound this great magistrate and the rest of the court of Common Pleas to support this jurisdiction of the secretary of state. —Neither more nor less fettered them but those two cases of Derby and Earbury, which they could not overturn; but what then had *those judges* to bind *them* who were the authors of those two decisions? *What,* I repeat, *bound them* to sanction such a jurisdiction? *They* could not have had the same practice to support *their* judgments, nor any former cases to fetter them, and must therefore have taken upon themselves, of their own authority, to bestow this jurisdiction upon a magistrate, of whom the common law knew nothing, and who could not assume that there was any statute to give it countenance. This is surely matter deserving the most serious consideration of parliament. At the same time, and for the reasons given by my noble friend in the last session, I am not desirous *now* to strike at this authority, confined in general to repel dangerous insults to the government in troublous times, and entrusted only to statesmen in the very center of the best legal assistance, responsible besides in their high stations and characters for the faithful discharge of their duties.

We ought surely to reflect, my lords, from all this, how very important it becomes us in searching for what is law, to look back as far as we can to the most ancient sources, and of the highest authority, and to be extremely cautious what we accept of as the law in departure from them.

My noble friend was, therefore, most correct, after showing that the power in question was not within either the letter or spirit of the commission to the justices, to begin as he did with the 4th Institute of lord Coke. It will not, I presume, be contended, that before the time of this eminent judge and lawyer, there was any practice of arrests in cases of libel, *before indictment found;* nor a decision of any court by which such a jurisdiction can be supported, nor any opinion or dictum to that effect of any earlier writers of authority, much less of such authority as lord Coke himself; and your lordships must also take notice, that in referring to the 4th Institute, my noble friend did not begin his unanswerable argument with the authority of lord Coke, however established, but laid the foundation of it upon a decision, in which he refers to the time of Henry the 8th, to which he only gives his own confirmation as follows: — [4th Institute p. 177-8.] — "But for the justices of the peace to make warrant, upon surmises, for breaking the houses of any subjects, to search for felons or stolen goods, is against Magna Charta: 'Nec super cum ibimus nec 'super cum mittemus nisi per legale ju-'dicium parium suorum, vel per legem 'terræ;' and against the statute of the 42nd Edward 3rd, &c.: *and we hold the resolution of the court,* viz. of Brudenell, Pollard, Broke, and Fitzherbert, in 14 Henry 8th, to be law, *that a justice of peace could not make a warrant to take a*

* See the case of Seizure of Papers Howell's State Trials, Vol. 19, p. 1058.

man for felony, unless he be indicted thereof, and that must be done in open session of the peace."

My lords, I have looked at this case in the Year Book, Hil. Term, 14th of Henry 8th, fo. 16, pl. 3, and find from it, "that in an action of false imprisonment, the defendant pleaded in justification, that a certain justice of the peace directed a warrant to him, to take and arrest the plaintiff,"—*(not for a libel, but for felony)*,—"by force of which he arrested him." It farther appears, that an objection was first taken to this plea on collateral grounds, not material to be stated, because one of the judges (Fitzherbert), said afterwards, "The plea is not good for *another cause; for a justice of the peace cannot issue a warrant to apprehend for a felony*, UNLESS THE PARTY BE FIRST INDICTED; and then Brudenell came into court and asked what this case was, and it appeared to him that a justice of the peace ought not to issue such a warrant *for felony*, but he might issue his warrant FOR THE PRESERVATION OF THE PEACE; but yet the bailiff who executed the warrant cannot be punished, &c. &c." And after the Court were engaged on the consideration of circumstances attending *that* part of the case, the report goes on to state, "that it made no difference in the opinion of the Court, whether it was his own bailiff or another, because he was a judge of record," and then adds,—*I read the very words*,—"And on this day Fitzherbert said nothing to the contrary of that, as he had done the day before; for on the preceding day his opinion was, *that inasmuch as the warrant was beyond the jurisdiction of the justice himself*, (AS IT WAS ADMITTED BY ALL), the warrant was therefore void." Now, my lords, here we have an unanimous judgment of the whole Court, in the 14th of Henry the 8th, that there was *at that period* no jurisdiction in justices of the peace to arrest *even for felony, before indictment found*, and *which judgment*, we find by the 4th Institute, had the full concurrence and decided approbation of lord Coke, at the distance of ninety years;—unless, therefore, it can be shown, either that this judgment was against *former authorities*, or that other decisions had altered the law, before lord Coke's time, I cannot consent to the impeachment of his authority by that of any subsequent writers whatsoever.—Such writers may be justified in speaking of the practice which had altered the law *in that particular respect of felony, as they found it in their own times;* but unless they could carry that practice back to the time of Henry the 8th, or when the 4th Institute was written (which I shall show you presently they do not), it is impossible to invade the accuracy of lord Coke. But it is not at all necessary to support him, though he is borne out by the decision he refers to; since, supposing him to be mistaken in the extent to which he carries the restraint upon magistrates to arrest before indictment even *for felony*, an offence which involves, in most instances, a dangerous *breach of the peace, avowedly within their immediate power and duty to restrain*, it surely would be most extravagant and preposterous to maintain, that this great lawyer could have possibly denied this jurisdiction, *even in the highest offences*, if the justices had had a general power to arrest before indictment, *co-extensive with their jurisdiction at sessions.*—I mention this not at all to defend lord Coke, but to protect the king's subjects against arbitrary law-making, and to inspire due caution in construing the works of subsequent authors when they question the accuracy of this greatest authority in our law.

Proceeding chronologically, the author who follows next, in point of time, is lord chief justice Hale; and if this eminent writer had, in his Pleas of the Crown, expressed his surprise that lord Coke should have thus questioned the power of justices to arrest *even in felony* before indictment, when it was clear they might hold to bail in all cases where they had jurisdiction at sessions; and if he had found decisions and universal practice, or even universal practice alone supporting this doctrine—I should have been unable to contend against such united evidence of the law; but if lord Hale had held any such opinion, how easy would it have been, *even in a single sentence, to have expressed it*, instead of using the language which I shall now bring before you *in his own words*:—

"Justices of the peace may also issue their warrants, within the precincts of their commission, for apprehending persons charged with crimes within the cognizance of the sessions of the peace, and bind them over to appear at the sessions, and this though the party be not yet indicted: *and therefore the opinion of my lord Coke is* TOO STRAIT-LACED *in* THIS CASE; and, if it should be received, would ob-

struct the *peace* and good order of the kingdom." Hale P. C. Vol. 2, p. 108.

In what case, my lords—*in felony only*—for lord Coke was writing of *felony*, as Hale himself was; and if Hale had thought (as I have this moment observed to you), that a single magistrate might arrest before indictment *in all cases* within the jurisdiction of the sessions, he would not surely have said that lord Coke was "too strait-laced *in that particular case*," but that he was totally mistaken *throughout*.

But the obvious construction which I have put upon this passage, derives force from the rest of lord Hale's writings on the same subject; because in the same book, and even in the page that follows—[p. 109],—he says, "a justice of peace hath the power to issue a warrant to apprehend a person accused of *felony, though not yet indicted*." It is clear, if a FELONY were committed or suspected, a man may be arrested by the party that knows, or upon probable grounds suspects him as the felon, or by a constable upon complaint, or hue and cry—let a man *look upon all the acts of parliament that have been down to this day, he shall find, that the power of justices of peace to convene* and commit FELONS before indictment is allowed. Yea, or for suspicion of felony; so that the imprisonment before indictment is surely lawful, *and not within the restraint of Magna Charta;* and, if so, then surely the arrest is much more lawful."—"He may also issue a warrant on suspicion of *felony*, though the original suspicion be not in himself."—"A justice of peace may make a warrant as well in case of felony as of the PEACE, to bring the party before himself,"—"or before any of his majesty's justices of peace,"—"or before himself and any of his majesty's justices of peace."

Now it appears to me, my lords, to be quite impossible that lord Hale should be *thus* labouring to question lord Coke's opinion, that an arrest even for *felony* before indictment was contrary to Magna Charta, if he could have maintained that such arrests were justified by either decision or practice, *in all cases within the cognizance of the sessions;* and if he had intended to convey such opinion by what he had before written in page 108 (as I have read it to you), why did he, in the very page after it, narrow and qualify the proposition he had before laid down universally, by speaking only of *felony*, and by saying, that all acts of parliament confined the power of justices to commit *felons* before indictment, and that a justice of the peace might make a warrant as well in felony as of the peace.—But what the same great author goes on to say, in only three pages forward, puts it wholly and absolutely out of the question that he meant by the passage in page 108, to maintain the power of arresting before indictment in all cases, *though not of the* PEACE, if within the cognizance of sessions; because in page 112, he says, "but whether, generally, a justice of peace, out of sessions, can issue a warrant to apprehend persons offending against a penal law, *though within their cognizance*, and to bind them over to sessions, or, in default thereof, to commit them, *and this before indictment found*, seems doubtful."

Now surely, my lords, it is neither fair, nor decent, in construing the works of so truly great a man as lord Hale, to assert that he intended, in page 108, to support a power of arrest before indictment by justices in *all cases* within the jurisdiction of sessions, when in three pages afterwards, we find him declaring it to be *doubtful*.—A great name may certainly go a great way to hide by its lustre a stupid and palpable blunder; but such an inconsistency in Hawkins, or in any such writers who followed him, would involve them, as authors, in compleat ridicule and disgrace. But I cannot possibly impute such inconsistency to lord Hale.—No man, my lords, who only kept himself awake when he was writing upon any subject, could first lay down a universal proposition as truth, and then, after qualifying and narrowing it by expressions inconsistent with it, *conclude by saying it was doubtful*—and not merely doubtful—for lord Hale follows up this declaration by an almost unanswerable reason against it: "*These things seem to make against it;* first, because some acts of parliament do particularly and expressly authorize them to it, *which they would not have done if it had been otherwise lawful*."

Certainly not, my lords. Who can differ from lord Hale?—Such conduct in parliament would be destructive of all clearness and certainty in the law; and lord Hale's high authority in this very case is most strikingly illustrated by the act of the 48th of the king, chap. 58—which gave to the judges of the court of King's Bench, and *to none but them*, the power of arresting for *a libel, not upon the information of any private man, but upon that of*

the attorney-general only, although it is now asserted, and upon the high authority of my noble and learned friend upon the woolsack, that when this statute was passed, there already existed a clear settled authority in *all justices of the peace* to arrest before indictment in every case of libel, and upon the information of any person whatsoever; so that according to this doctrine, this statute gave to the judges of the court of King's Bench—*already justices of the peace throughout the whole realm,—even less authority* than they had without it, since it bestowed the power only after an information filed by the attorney-general on the records of their own court.

But I shall pass this statute by for the present, as I shall have occasion to return to it when we examine the practice as it has been returned to the House, under the order made on my motion in the last session of parliament. I ought not, however, to omit that lord Hale gives another reason against the truth of that very proposition which he is supposed, in page 108, to have before universally laid down—viz. that "in many penal actions over which the sessions have jurisdiction, though the party were indicted, or an information preferred, yet the *capias* was not the first process, but a *venire facias* and *distringas*; and, in cases of information, no process of outlawry at all [8 Hen. 6, 9 B.], until the statute of 21 Jas. 1, cap. 4 gave process of outlawry in actions popular, as in actions of trespass *vi et armis*."

Here then, my lords, is another express exception, upon lord Hale's own authority, to that universal proposition which he is supposed to have himself laid down, because in these last cases, though cognizable at sessions, no arrest could take place *even after indictment*, till after a *venire facias* and *distringas* had been issued and returned.

Having furnished all that is to be found in lord Hale upon this subject, and having shown that he never supported the proposition contended for, viz. a jurisdiction in justices to arrest before indictment, in all cases within their jurisdiction at sessions, it may be now asked, what is the proposition I conceive him to have laid down?—To which I answer, that he meant that justices might arrest for *felony*, notwithstanding the authority of lord Coke, and in all misdemeanors *against the peace*, which are peculiarly within their jurisdiction *as conservators*; and he appeals to universal practice in support of this alteration in the law, maintaining, with great reason, that the peace and good order of the kingdom might otherwise be obstructed—But this opinion does not comprehend Libels; first, because the universal practice which is stated by this great judge as the only support of the jurisdiction will be found to be wanting; and secondly, because a libel *is not a breach of the peace*, requiring this immediate restraint and surety. Lord Camden, in delivering the judgment of the Common Pleas in Wilkes's case, having expressly said—"I cannot find that a libeller was ever bound to find *surety for the peace* in any book whatsoever, except in the case of the Seven Bishops, where three judges held that it was required in the case of a libel; but judge Powell, the only honest man of the four judges, dissented; and I am bold to be of his opinion, and to say that case is NOT LAW."

The next authority which my noble friend referred to, was, Mr. Justice Hawkins, *treating also of* FELONY; and unless this respectable author had professed to differ from lord Hale, or had made use of expressions inconsistent with the passages I have appealed to, he must surely be taken to agree with him; and, therefore, if my noble friend was right in the construction I have put upon Hale's Pleas of the Crown; they must apply equally to those of Hawkins also. But it is better to give you his very words:—"Any justice of the peace may commit in cases of *treason, felony, or præmunire, or any other offence against the peace*." This is undoubtedly true, and what I have already admitted to be so; but what immediately follows, so far differs from lord Hale, that it contains a distinct admission that lord Coke was in the right in supporting the decision in Henry the 8th's time, although *constant and universal practice* had *afterwards* altered the law.—The words of Hawkins are—"*anciently*, no one justice ever could make out a warrant for *an offence* cognizable by a sessions of two or more justices. CONSTANT AND UNIVERSAL PRACTICE appears to have altered the law in this particular: the practice of justices is now also become law, in granting a warrant for the apprehension of any person, upon strong grounds of suspicion, for a felony, or other misdemeanor, before indictment found."

What, then, is the true construction of these words "upon strong grounds of

suspicion of felony, *or other misdemeanor;*" undoubtedly misdemeanors AGAINST THE PEACE, in which *constant and universal practice* had countenanced arrests even before indictment, though contrary to the ancient law, which Hawkins himself had distinctly admitted; since he does not venture to consider this jurisdiction even as a right, very properly concluding with the following most salutary advice, which I wish, my lords, had been duly considered by my noble friend, the secretary of state, and by the House which sanctioned his Circular Letter to the Justices:—"Yet as justices of the peace CLAIM this power rather by CONNIVANCE *than any express warrant of law;* and since the undue execution of it may prove highly prejudicial to the reputation as well as the liberty of the party, a justice of peace cannot well be too tender in his proceedings of this kind," &c.

Now, since Hawkins, my lords, was relied upon as an authority against my noble friend in the last session, it would have been well if this important part of his book had been relied on also; as much evil might have been avoided by suggesting the propriety of reserve and caution to the magistrates, instead of hallooing them on to the most rash and indiscriminate exercise of a jurisdiction which had thus been admitted to be so dangerous and so doubtful; an admission, the truth of which has been but too well established by the unheard-of outrages so universally complained of;—I say *unheard*-of, not only from their comparative enormity, but because you have refused to hear and to redress them.

If we look, my lords, to the authority of lord chief justice Holt, which my noble friend also appealed to, we shall be still more convinced, that the construction I have put upon the writings of Hale and Hawkins is the correct one, and that the authority to arrest before indictment was a branch of the common law for the conservation of the peace, which, though for a long time checked in its exercise by the fear of arbitrary power and the genuine love of liberty, had settled at last into universal practice IN ALL MISDEMEANORS AGAINST THE PEACE; and that it cannot therefore be sustained *farther than that principle, and universal practice will support it.*

Lord Chief Justice Holt, in 5th Modern Reports, p. 80, says "Why should not a secretary of state have power by law to make commitments? Pray what authority has a justice of peace to commit in cases of high treason? It is not given him by any statute; and truly I cannot tell from whence he derives such an authority, unless it be by virtue of the old common law, which doth authorize conservators of the peace to commit in such cases. My lord Coke doth seem to intimate, that a man could not be committed till he was indicted; but certainly that is a mistake, *for the constant practice is otherwise.*"

Surely, my lords, this is an express admission, that the power of justices, in this respect, *is a branch only of the conservation of the peace*, and that it cannot be justified beyond the extent of that constant practice which is solely appealed to for its support; except in that recognition by parliament which he afterwards mentions, and which, it is known to every attorney's clerk, applies to *felonies only.*

And "this opinion seems to be agreeable to constant practice, especially since the statutes of the 1st and 2nd Philip and Mary, cap. 13, and the 2nd and 3rd Philip and Mary, cap. 10, which, directing justices of peace to proceed in this manner against persons brought before them for FELONY, seem to give them a discretionary power of proceeding against persons accused of the above-mentioned offences."

The words "above-mentioned offences" appear to me to be another confirmation of my construction; as *such words* could not have been correctly used in support of a *universal* proposition comprehending ALL MISDEMEANORS.

Having now, my lords, supported the argument of my noble friend in the last session of parliament, by the express decision of a court in Henry 8th's time, which I must hear contradicted by some other decision of equal authority before I can consent to abandon it, and there being not one syllable to be found in any author whatsoever to extend any departure from this admitted law, farther than constant and universal practice will support it; let us now see whether it can be shown by evidence to apply to charges of *libel*, which *are not*, and must *now* be admitted *never to have been at any time breaches of the peace.*

Being well aware, therefore, that the real state and extent of this practice could not but become a most material consideration in examining what is the law, and in judging also of the expediency of the bill I intended to propose to you, I made

a motion on the 23rd of May in the last session, upon which your lordships were pleased to make the following order, which was duly served upon all whose duty it was to bring before you the only correct materials for judgment;—"Ordered, that there be laid before this House an account of the number of recognizances since the year 1640, conditioned for the appearance of any persons in the court of King's-bench, at the assizes, or at the general quarter sessions of the peace, to answer to such matters as should be objected against them, against which persons, after the giving of such recognizances, prosecutions by information or indictment for libel have been instituted, specifying the dates of such recognizances, by what magistrates the same were taken, and specifying by name the parties giving the same."

To this order, my lords, which had for its object to bring before you every case, *throughout all England*, of arrests by justices upon charges of libel, and of bail taken by them to answer to indictments, either at the assizes or the general quarter sessions of the peace, since the year 1640, a period of nearly 200 years,—To this order *not one instance has been returned*, except in London and Westminster, which I shall presently speak of; yet constant and universal practice will, I have no doubt, be nevertheless contended for, upon the authority of the only return which my motion produced, viz. many instances of arrests by justices in the reigns of queen Anne and of George 1st and 2nd, in London and Westminster, intermixed with similar ones by secretaries of state, and of recognizances taken by them to answer *ex officio* informations which were afterwards filed against the parties; but it is remarkable, that after the canvassing of this power even in the secretary of state, very few instances are to be found; there being indeed three only in the three first years of his present majesty *and none besides*, until the 43rd, and three only afterwards. Can *this*, my lords,—I boldly ask this plain question,—can *this* be sufficient in itself, without a single instance in any other counties throughout all England? Can *this*, I repeat once again, be sufficient to establish a constant and universal practice, and of strength sufficient to extinguish the ancient and otherwise admitted law of the land, although lord Camden declared, that a practice since the Revolution and without intermission, would not be sufficient.

But, is this practice, such as it appears upon this solitary return, to be considered as matter of fact, or to be pronounced to constitute law? Is it matter of evidence only, as your lordships have properly considered it by directing the returns to be made to you in order to decide that question, or are the judges to assume this practice as the sole foundation of a legal judgment? and if they cannot so deal with it, upon what authority shall they declare the ancient law as distinctly admitted by Hawkins to be superseded and repealed? These, my lords, appear to me to be deeply important questions, which have not yet been decided even by this House, as my noble friend in the last session, though he proved what the law was by his unanswered, and I believe unanswerable argument, only moved for the production of the case submitted by the secretary of state to the law officers of the Crown. But what, in my opinion, is quite decisive upon the question of practice, and its just operation in point of law, is, the act which I have already mentioned of the 48th of the king. I am ready to admit that very ill considered and unnecessary acts of parliament are but too often to be found amongst our statutes; but under what circumstances, my lords, and *by whom* was this act introduced? If at that time, this power in the justices was taken to be settled, the act was useless, as the practice in London and Westminster, such as it appears upon the only return before us, had not then been questioned, and ignorance of the law and practice of the courts will hardly be imputed to lord chief justice Gibbs, who when attorney-general brought in the bill. Nobody can be better acquainted than myself with his ability and learning in the profession, having proved them both by being often opposed to him, and by his frequent and able assistance. His general knowledge is unquestionable, but not more so than his accuracy and precision in the most technical branches of the law. Can I believe, then, if the justices of the peace had had this jurisdiction from universal practice, upheld by universal opinion in the profession, which is but another name for universal law, that this able, acute, and active minded lawyer did not know it; and, if he did know it, is it credible that, instead of acting upon it, either through the ordinary magistrates, or by the judges, who are justices of the peace over all England, in whose court he had filed his informations, he should

have passed an act of parliament to arm them with a less authority than even the ordinary justices (hundreds in number within the bills of mortality) had possessed and exercised before? This, my lords, would be such a supreme unexampled ignorance of law, that if I had the vision of an angel imputing it to my learned friend, the chief justice, though I should not certainly dispute an angel's truth and authority, yet I should say with lord Stafford, on his impeachment in this place, that he must be some *fallen* angel, and would never ascend to heaven more.

After all this, my lords, have I not a right to say, that even if my noble friend's proposition in the last session, which is the foundation of the bill now before you, may not (through my defect) be clearly supported and established to-day, yet that the truth of the preamble cannot at least be disputed, which only asserts, that doubts have arisen concerning it. For my own part, my lords, I am far from wishing to press myself upon the House as an authority, though I stood in my place in Westminster Hall for a very long time; but although I have turned my mind of late to other subjects, yet, as I am not superannuated, the first principles of the law can hardly be blotted out of it; and my doubts on the subject have only arisen from the just respect which I ought to have for the opinions of my noble and learned friends on a former occasion, though supported by no authorities but their own.

I come now, my lords, to the second question, by far the most important, and which lies within a very narrow compass—viz. Whether, supposing the justices of the peace to have obtained, through practice, the jurisdiction contended for, you can now suffer it to continue, after having passed the Declaratory Libel act of the 31st of the king, which I hope will carry down throughout all ages the title of Mr. Fox's act? Before this excellent statute, it may be safely admitted that there was a long usurped rule of law, which, if it did not vindicate, might at least in some measure account for a similar usurpation by the lower magistrates of the jurisdiction now in question. Before this declaratory statute, what writing amounted to a libel when its meaning, if ambiguous, had been submitted to a jury, by innuendos, and established by their verdict, was held to be a pure unmixed question of law, and over which the jury had no jurisdiction whatsoever. Whilst this, therefore, continued to be submitted to as law, there was certainly, in every case of libel, as in other criminal offences, a legal *corpus delicti*, the existence of which, being for the superior judges in all cases to decide by a legal judgment, the lower magistrates might naturally enough assume the inferior province of granting their warrants upon their own judgments also over libel; but when this jurisdiction in the judges was declared by the Libel act to have been from the very beginning an usurpation by the superior courts, surely any similar usurpation of the lower magistrates, supposing it for that, or for any other cause to have existed, must upon principle have fallen to the ground also.

The intention of the legislature in passing the Libel act has frequently been misrepresented; it is true, indeed, that it intended to assimilate the trial of a libel to other criminal trials; but the cause of that enactment, and the total alteration it was intended to produce, have been altogether misunderstood.—The case of a libel differs materially from that of any other offence. In indictments for treason, felony, and all misdemeanors, the crime is only charged *generally* upon the record, and is brought home by evidence to the party accused; the judge of course applying the law in his charge to the jury to the facts which upon the evidence they shall believe to exist; but in every indictment for a libel THE WHOLE CRIME always did, and still must appear *upon the face of the record*, as lawyers term it; and if the judges, therefore, had been right in considering that the criminality or innocence of a writing, was an abstract question of law for their legal judgment, their conduct in reserving it for the consideration of the Court, and shutting out the jurisdiction of the jury over it was manifestly correct, and the libel act was a dangerous subversion of our legal constitution.—I always agreed with lord Mansfield when he told the jury before the Libel act, that they were not to decide *the law*, I only denied that what was a libel was an unmixed legal question. —THAT was the only matter in contest between the courts before the Libel act and myself, who never would submit to it, when others had been tired out and given the controversy up: *this*, my lords, was the only error in the judges which parliament intended to correct.

It has been said also, but from an equal mistake of the true principle of the Libel

act, that the change it made in the law was only to let in the question of *intention* to the jury; but this would have had but a very rare application, if *what writing was a libel had continued to be a pure question of law;* because when an act has been committed and defined clearly to be criminal, the intention cannot very often be left to the jury with any other direction from the judge, but that he who committed it is guilty, if he calls no witnesses to rebut the legal presumption of his guilt;—and for this plain reason: I never denied that if libel or no libel were a question of law for the judges, the criminal intention of the author or publisher *if he called no witnesses, and could show nothing in his defence*, was an inference of reason and common sense, and therefore an inference of law, if the judges had a right to pronounce the matter written and published to have been a crime. This was the sole difference of opinion; and the error on the part of the courts, which parliament intended to correct was, their pronouncing the question of libel to be a question of *law*. No man, I am sure, can respect the learning and integrity of the superior judges more than I do, or who held in higher reverence and admiration that illustrious magistrate, lord Mansfield; but nevertheless no error, in my opinion, was ever so great or so palpable as that which he sanctioned in other judges who had gone before him.

The people of this country, my lords, have not only a right, but a duty cast upon them to examine the principles and the acts of their government; and it is therefore preposterous to consider that the quality of all writings, though upon general subjects, can be unmixed questions of law. The analogies of law have undoubtedly a material application, and it was therefore declared by the Libel act, to be within the province of the judge to advise the jury as in other cases; but if parliament had intended that what was a libel was to continue to be a mere matter of law, it never could have directed the judge to deliver his opinion to the jury, when the question was patent upon the record, which in other cases it is not; and I never could have possibly given my consent, as a member of parliament, thus to disturb and distort the general practice of the courts, so absolutely essential to the support of our legal constitution.

The words of lord chief justice Eyre in his charge to the grand jury upon the State Trials, apply strongly to elucidate the true principle of the Libel act. That learned judge, though the treasons that were to be brought before the special commission were principally to be established by writings concerning government, manifesting their traitorous intentions, did not overshadow the free principle which was the very foundation of the Libel act, but *said*—I read from the charge as it was published by the consent of the court—"All men may—nay all men must (if they possess the faculty of thinking), reason upon every thing which sufficiently interests them to become objects of their attention, and amongst the objects of the attention of freemen, the principles of government, and, above all, the constitution of the government under which they live, will naturally engage their attention, and promote speculation.—The power of communicating thoughts and opinions is the gift of GOD, and the freedom of it is the scource of all science, and therefore it seems to follow that human laws *ought* not, *nay* CANNOT interpose to prevent the communications and opinions of voluntary assemblies of men."

Now, consistently with this excellent doctrine, what can be more absurd than to consider the due exercise of this right, or rather of this *duty*, in a free country to be an unmixed question of law for the determination of judges appointed by the Crown; but admitting their integrity and independence, what books could they look to for authority? What decisions were to govern them? Yet by looking into the case of the dean of St. Asaph, where the doctrine was so sifted to the bottom as to make all other references unnecessary, it will be seen that the judges had maintained this absurdity in such a series of undisturbed judgments, that my keeping up the objection to it when every body else had given it up as hopeless and useless, was considered to be perverse, obstinate, and absurd; as your lordships shall now see by referring to lord Mansfield's reasons for discharging the rule I had obtained for questioning the legality of Mr. Justice Buller's directions to the jury, who declared that after the publication of any writing was established, and its meaning agreed to by the jury, they had nothing farther to decide, *its criminality or innocence being matter of law for the Court.*

Lord Mansfield said:*—"It is objected

* See Howell's State Trials, Vol. 21, p. 1034.

that the judge did not give his own opinion, whether the writing was a libel or seditious, or criminal.—That he told the jury they ought to leave that question upon the record to the Court, if they had no doubt of the meaning of the publication, and that he did not leave the defendant's intent to the jury. The answer to these objections is, that by the constitution, the jury ought not to decide *the question of law, whether such a writing of such a meaning, published without a lawful excuse, be criminal*, and it is therefore the duty of the judges to advise the jury to separate the question of fact from *the question of law;* and as they ought not to decide *the law*, and the question remains upon the record, the judge is not called upon to tell them his opinion.

"It is almost peculiar to the form of a prosecution for a libel, that the question of law remains entirely for the Court upon the record; therefore when the jury have been satisfied as to every fact within their province to find, they have been advised to find the defendants guilty.

"All these three objections have arisen upon every trial since the Revolution, now near one hundred years ago.—In every reign there have been several defended with all the acrimony of party animosity, and a spirit ready to combat every point, and to admit nothing.—During all this time, as far as it can be traced, one may venture to say, that the direction of every judge has been consonant to the doctrine of Mr. Justice Buller, and no counsel has complained of it by any application to the Court."

Lord Mansfield then, after instancing many trials in the reign of queen Anne, and of Geo. 1st and 2nd, proceeded to state his own practice for many years, saying:

"In the year 1756, I came into the office I now hold.—Upon the first prosecution for a libel which stood in my paper, I think it was in the case of the King *v.* Shebbeare, I made up my mind as to the direction I ought to give; I have uniformly given the same in all, almost in the same form of words: no counsel ever complained of it to the Court. Upon every defendant being brought up for judgment, I have always stated the direction I gave, and the Court has always assented to it. Such a judicial practice since the Revolution is not to be shaken by arguments of general theory and popular declamation. The constitution trusts, that under the direction of a judge, they will not usurp a jurisdiction which is not their province. They do not know, and are not presumed to know *the law*, and they are not sworn to decide *the law*. If it appears upon the record, they ought to leave it *there;* but upon the reason of the thing, and the eternal principles of justice, the jury ought not to assume the jurisdiction of *the law*." It would weary the House without use, to follow lord Mansfield throughout; as the whole judgment went only to declare, that the criminal or innocent quality of any writing, (the meaning of it being established), was a clear, unmixed question of law for the Court; the intention being *(as it would indeed be if the premises were admitted)*, an inference of law also, when the defendant called no witnesses to rebut it by evidence.

Now the whole of this doctrine being quite correct and legal, if libel or no libel had been a question of law, I have a right therefore to maintain, that the Libel act which overthrew it did in fact declare and enact, *that it was not so;* and consequently from that period there was no longer in the case of a libel that definable *corpus delicti*, on which a Court could act of itself, and consequently none on which a lower magistrate could safely proceed, until a grand jury had sanctioned a commitment by the finding of an indictment. The passing of Mr. Fox's act may therefore be considered as the true æra of the liberty of the press in England, and without which liberty, no other freedom, though supported by a thousand statutes, could be secured. Public opinion from that hour became public law, since juries, taken indifferently from the great body of the people, can have no other rule for deciding whether any writing (not being slander upon an individual) ought to be regarded as a crime; and if *juries*, and not judges are *now* invested with that jurisdiction, can any thing be more obvious than that the finding of an indictment by a grand jury ought *now* to be the first process in such a case. My noble friend, therefore, is entitled to the thanks of the whole country for having brought this subject before you; because if this power of arrest by justices is still suffered to continue, THE LIBEL ACT MAY BE CAST INTO THE FIRE.—No man respects the magistrates of England more than I do, nor is more ready to acknowledge the great obligations we are under to them

for their unpaid and often painfully laborious service; but I am certain that the jurisdiction which I seek to take away, if it shall be found by your lordships to exist, is one they would be happy to surrender. I have conversed with many of the most intelligent amongst them, and never found any difference of opinion upon the subject.

Having already shown to your lordships, by reference to the only return which has been made to the House, of this practice, that until the activity of the magistrates was suddenly excited by the late circular letter, *not one instance* was to be found in any county in England of any arrest on the charge of a libel *before indictment found*, and none in London or Westminster, but previous to *ex officio* informations in the court of King's-bench.

Let us now examine whether any evils have followed from encouraging this departure from the ancient law, or any advantage has been derived from it. It would be painful to detail the many instances of malicious injustice I have heard of—The case of Mr. Wright, as formerly stated by my noble friend, who was arrested for his sermon, will be long remembered as a disgusting proof of so dangerous a jurisdiction. As well, indeed, might any of the reverend lords opposite, be indicted for reading that sublime chapter in St. Paul to the Corinthians, in the funeral service of our church; but under this unexampled excitation, men have not only been obliged to find bail to answer the most unfounded accusations, but have been loaded with chains, and confined in dungeons with convicted felons: the case brought before the House of Commons by Mr. Bennet cannot be controverted, nor that of Scholes the publican,* which I give credit to upon the most respectable authority, who immediately after denouncing the atrocities of Oliver in an affidavit sworn before Mr. Heywood, a most respectable magistrate in Lancashire, was arrested by a warrant of the secretary of state, and after a long, ignominious confinement, was at last discharged without trial; and many similar impositions have been practiced upon magistrates of the most humane dispositions.

Now to allow for those individual sufferings, and this total contempt of every principle of our free constitution, let us see whether government has derived from it any additional security or respect—Quite the contrary. My lords, it rendered it odious, and had thereby a manifest tendency to disturb the impartial administration of justice. When these violent proceedings were resorted to and sanctioned in both Houses of Parliament, was the real object of them faithfully and sincerely stated? Was danger to religion and morals from blasphemous parodies, the real evil intended to be beat down, or was it because they were prophanations of scripture as an artful instrument *for defaming the government?* Why, then, was not this intelligible principle avowed and acted upon? It was well said by Gamaliel, a Jewish lawyer, as appears in the Acts of the Apostles, when they were persecuted in Jerusalem—"Let these men alone: if what they do is from man it cannot stand, and if from God you cannot hurt them." Nothing could be more true. The government of GOD, and the sacred truths which support it, cannot be undermined or overthrown; but the government of MAN must be supported, or it will fall. Yet his majesty's ministers reversed this doctrine by the late prosecutions. They sought to bolster up by them the sacred writings which needed no support from them, but took no kind of care of themselves. One of the parodies held up the parliament as constituted by law as the vilest, most corrupt, and worthless of all assemblies of men; yet the juries were never asked on that account to consider the writing as a libel, nor was there in the first information even a charge to have supported such a verdict. No man can hold in higher detestation than I do any irreverence to the sacred scriptures, nor to the sublime offices of our church, which are built upon them throughout; but unless the law had declared such publications to be specifically libels, it became difficult to maintain an intention to ridicule them, when the obvious and palpable intention was, to ridicule the political state. So that instead of any security having been derived to authority from those unsuccessful prosecutions, a sort of licence has been held out by his majesty's ministers for the most unqualified invectives against the government, as the juries were never asked *on that account* to condemn them.

It has been by no means my intention, by these observations, to try the causes over again, to which I have alluded. I formerly said to your lordships in this

* See Vol. 37, p. 458.

place, on the same subject, that we had no right to bring the merits of any trials before us for examination; and that in the absence of evidence, which we have no jurisdiction to call for, *Omnia presumuntur rite acta;* but, at the same time, I have no difficulty in saying, *as a general observation*, that I consider systematic and indecent attacks upon parliament and the administration of government or law as great evils and calamities. All abuses may be exposed, and all the principles of our constitution vindicated, without even the risk of the author's being questioned as criminal. Libels, however, of this description have always existed, and ever must, more or less, in a free country; but the surest way to put them down in England is, to render them odious and disgusting to an enlightened and affectionate people, by constantly adhering to the free principles of our constitution. Confide, my lords, in the people, and they will make the return of a corresponding confidence. Your lordships may very probably think the illustration of this truth which I cannot help at this moment having resort to, is a very strange one; but we are apt to take up our analogies and the expressions of our opinions and feelings from the objects in which we are most frequently engaged. Driven out as I have been, my lords, from the paradise of the law, and sent to till the common ground, I would liken this condition of a government to a late one of my own. Having engaged a celebrated drainer to lay dry a part of my estate, and being alarmed at seeing the water oozing out in every direction, I asked him if he thought he could remove it, except at an expense beyond the value of the land? His answer was, "Certainly not, when once the water finds its way here; *but I can stop it at its source, at a very small expense, and prevent it from coming here at all.*" This is just *your* case;—when once the multitude are discontented and indignant at misgovernment, all the parchment in England cut up into *ex officio* informations, would be no kind of cure for libels, but could only increase and inflame them. To prove this, my lords, what has been the universal drift of all the attacks upon the character of parliament? Neither more nor less than the assumption of a right to *universal suffrage*, which has only of late years sprung up; involving the Whigs and the true principles of the Revolution in the same unmerited disrespect. The reason of all this, my lords, is most obvious; when the multitude find by the systematic invasion of their liberties, that the present form and constitution of parliament have been no protection to them, they mistakenly, but honestly, resort to visionary theories, though never, in my opinion, capable of being realized into a wise and practicable system, *because all reformation has been refused*—This, my lords, is the unquestionable origin of all the proceedings which have alarmed you. As far as ministers have fallen short of the true principles of our government *on the one hand*, the disappointed multitude have gone as far wrong *on the other*, and nothing will ever bring them back and give a real and permanent security to the excellent establishments of our country, but by giving the full benefit of them to all classes of the people; not by universal suffrage, but universal freedom, *under a wisely reformed state, and wisdom in those who preside in it.*—I am sorry, my lords, to have detained you so long; the importance of the subject is my only vindication. I now move, that the bill be read a second time.

The *Lord Chancellor* expressed a hope that his noble friend would not persist in pressing the measure, at least, in its present form, for though it was evident from the arguments advanced, that his intention was to limit its operation to the case of libels, its enactments would extend to prevent arrests before conviction in all cases whatever. [Here lord Erskine said that it was a misprint only in the title of the bill. His noble friend must see the bill itself was only on charge of libel.] He was sure the noble lord did not mean that it should extend to cases of felony, and many cases might be named in which the power had been exercised from the earliest periods, where the offence had only a tendency to break the peace. The House would do well to consider seriously before they agreed to a law declaratory upon this subject, without taking any opinion of the judges to assist them. That House, which was the dernier, would not surely resort in all cases of law to make a new enactment without first having some question argued in the courts below to show the necessity of their interposition. When the House found that between the time of queen Anne and the present period there had been 128 cases in which the judges of the court of King's-bench as magistrates had

held to bail in cases of libel, would their lordships at once declare the practice illegal, and proceed to declare against it? It had been said, that sir Vicary Gibbs, in bringing in a bill to allow the justices to commit after information, had proceeded on the idea that they did not possess this power. His bill was called for, as the justices could not, without it, commit upon information; they could only commit upon affidavit as justices of the peace. That justices of the peace could commit for misdemeanors there was no doubt; and the only question was, were libels in that character of misdemeanors which warranted them in committing? The libels to which his noble and learned friend had referred, were the grossest he had ever seen. Their blasphemy was in itself sufficient to constitute them libels. Lord Hardwicke, when attorney-general had maintained the same doctrine. He had declared, that the christian religion was a part of the law of the land, and that an attack upon it was therefore to be regarded in the nature of a libel. The bill which had been introduced by his noble and learned friend had always appeared to him to be open to this objection, that it was impossible to say, whether in any two counties in England, they could get the respective juries to agree in opinion as to what was libel and what was not. Upon the whole, he would submit to their lordships, whether it would be right, under the circumstances of the times, by adopting the present bill, to put a negative, without farther examination, on a practice which had been sanctioned by all the judges since the Revolution. He earnestly hoped his noble and learned friend would not persist in calling upon their lordships to adopt such a measure as this without some better reasons than had yet been urged in its support.

Earl *Grey* regretted the small degree of interest which the subject excited, notwithstanding it was one of the most important which could be brought under the attention of the House, seeing that it affected in its most vital principle the liberty of the press, upon which our liberties so mainly depended. The noble and learned lord who had opposed the bill, relied on authority alone, yet he did not condescend to particularise on what positions of the law, on what opinions of great men, on what evidence of general practice, he depended for establishing that authority to which he so confidently appealed. He had stated, that in all cases of misdemeanor the magistrates had a right to commit before indictment; but he would appeal to the arguments of his noble and learned friend, not one of which had been answered, whether the inference to be drawn from the authorities was not directly the reverse? The magistrates had a right to commit in cases of felony, and for breaches of the peace, but not, as the noble lord on the woolsack had contended, in cases which had only a tendency to breach of the peace. The noble lord had asserted this doctrine very confidently, but lord Coke was of a different opinion, and whatever might be attributed to modern practice, it should be remembered that the Jury act had passed in contradiction to the practice, from the Revolution down. The present practice was contrary to the ancient principles of the constitution, and could not be too soon removed by a declaratory and enacting law. No returns of commitments upon this principle had been made from the counties, and it was remarkable that in the present reign, during a period of forty years, there was no instance of any. A practice interrupted for such an interval could not surely be called general; but even if it was so, the sooner it was done away the better. This argument might be applied to the instance of general warrants, which, though often resorted to and long persisted in, were reversed by the unanimous decision of the judges, and afterwards declared by parliament to be contrary to law. It was a monstrous position to say, that the power which was not entrusted to judges themselves, that of determining what was a libel, should be entrusted to the magistrates, of whom he might say, speaking with all respect for so meritorious a body, that they were liable to the heat of party [violence. The noble and learned lord had said, that the libels prosecuted in the course of last year were the worst he had ever seen, but three successive juries had declared the contrary. Happily for the country, and to their own immortal honour, they came to this decision because an attempt was made by government to give a character to the libels which they were not warranted in attributing to them. Had he been on the jury he would have given the same verdict. The object of the publication was to serve a political purpose, not to degrade religion; and the publisher, as he contended in his ingenious defence, had shown in-

stances in which ministers themselves had adopted religious parodies to answer political purposes. This very admission of the noble lord, so much at variance with the opinions of the juries, was in itself a proof how dangerous the power was for which he contended. For all these reasons, and, above all, from a strong conviction of the danger to which our liberties were exposed by its continuance, he should vote for the second reading of the bill of his hon. and learned friend; by which this unconstitutional power would be removed.

The Earl of *Liverpool* said, he should not enter into a full discussion of the subject, particularly as it had been postponed without any necessity to so late a period of the session. As the question of general warrants had been alluded to by the noble lord, the House should recollect as he had himself admitted, that their illegality was pronounced by the decision of the judges, before parliament thought fit to pass a declaratory law. In the case of the Libel bill, the opinion of the judges was also given, and though it was different from that which parliament had thought proper to adopt, yet the discussion carried on in the face of the lawyers had greatly assisted parliament in coming to a decision. He thought it was not too much to ask that they should adopt the same course, and avail themselves of the same advantage in a case of so much importance as the present. The Libel bill was in the House of Commons when he first came into public life, and from its importance had attracted his attention. He then considered, that there had been a specialty in the trial of a libel which it was the sole object of that act to do away, so as to assimilate the trial of a libel to that of every other criminal case. The only question was, whether cases of libel should not stand precisely on the same footing as other offences, and be put in a course of inquiry by magistrates, in the same manner as any other misdemeanor? There could be no hardship in the party charged upon oath being called upon to provide security to answer for the offence. On the decision of three juries in London, last October, great stress had been laid; and it was therefore declared, that the publications in question were not libels. But were there not decisions elsewhere by juries which declared the same publications libellous? Such a verdict had been given in the county of Lancaster, and he had as good a right to assume that the publication was a libel, on the authority of the verdict of a jury, as the noble earl opposite had to assume that it was not. From every view of the proposed measure, he must give it his decided opposition. It was said that other libels had been published with impunity. So far as the general argument went, he was ready to admit the fact; he knew that in Mr. Gibbon's Decline and Fall of the Roman Empire, it would not be difficult to find a blasphemous libel. But was there no difference between an insidious attack on the christian religion, in a work, generally speaking, accessible only to literary men, and in a pamphlet or publication circulated in penny numbers, and the style of which was adapted to the most ordinary understanding? The noble earl concluded by opposing the Bill.

Lord *Holland* said, that when the noble earl alluded to the conflicting verdicts of juries, he should have added, that the particular verdict on which he rested his opinion was, where the defendant did not choose to make any defence. As to Mr. Hone's parodies, all he would say was that had they been directed against any body else than his majesty's ministers, the House and the country would not have had the advantage of hearing that expression of pious horror, which had issued from member of the right reverend bench opposite, from the noble lord on the woolsack, and the king's attorney-general. Parodies had previously been issued, north and south, east and west, but never before had they been encountered by so much devout and forensic eloquence.—The noble lord then enforced the necessity of the second reading of this bill as a measure essentially necessary for the security of the liberty of the press, and the freedom of the subject, and to annul so strange an anomaly as had existed with so much oppression to individuals during the last year. He could not enter into the refined legislative system of the noble earl, as to the distinction to be drawn between the influence of works like Mr. Gibbon's, and that of more cheap and popular publications. He could not see why a law should be made for cheap publications, which did not equally apply to those of a higher price. In every view he was decidedly in favour of this bill, which would certainly go to establish a sound and useful principle.

Lord *Erskine* said, he had but very

little to trouble their lordships with by way of reply, since little had been answered on the other side; but before he took notice of what had been said, *or rather what had not been said* by his noble friend upon the woolsack, he wished first to observe upon what had just fallen from the noble earl opposite, upon the subject of the Libel act. The noble earl had remarked that there had been a specialty in the trial of a libel, which it was the *sole* object of the act to do away, so as to assimilate the trial of a libel to that of every other criminal case. This was perfectly true. The noble earl was remarkable for his clearness and precision, and no less so for his great candour upon all occasions; but what he had said did not at all disprove the nature of that *specialty*, as he (lord E.) had described it;—the specialty was, that the libel constituting the charge, always appearing verbatim upon the record, which was not the case in other indictments, the judges had reserved the matter for their own decision, which would have been agreeable to universal practice, if the quality of *a writing* had been an unmixed question of *law*. This, therefore, was the only error in the judges which parliament had to correct, and which it accordingly corrected by the Libel act, and he could safely appeal to all Westminster-hall for the truth of every thing he had said, as to the real principle and effect of that admirable statute.

With regard to the question of jurisdiction in the justices to arrest before indictment, he could not feel himself at all removed from the ground he had taken in the outset, as his noble and learned friend had not questioned any one of the authorities which had been originally stated in the last session by his noble friend behind him, and which had been insisted on today as the clearest evidence of the law. He had not referred to any authority contradictory of lord Coke, at the time the 4th Institute was written. He had not objected to the authorities of Hale and Hawkins, as partially or unfairly stated, nor had he even attempted a different construction of them from that which had been put upon them, nor stated any one case establishing a different opinion in any of the courts, from that which had been argued to be the result of all the authorities, viz. that justices could only arrest before indictment in all misdemeanors AGAINST THE PEACE, *because* UNIVERSAL PRACTICE *had sanctioned it.* His noble and learned friend had mentioned, indeed, "Mr. Justice Le Blanc as an authority which he (lord E.) would very greatly respect;" but he had not stated the case, in which any such judgment or opinion could be ascribed to that truly learned judge; nor had he named the case. He adverted generally to some case in Levinz, which he seemed to consider to be in point; so that as far as legal authority went in support of his noble and learned friend, he had a right to say that it rested wholly upon his opinion, and upon that of his noble friend, the chief justice of the court of King's-bench, not now present. No one certainly could hold their abilities and learning higher than he did; but, surely, if the case had admitted it, that very ability and learning would have grappled with the subject, and have proved by arguments that they were in the right, and by other authorities than their own.

The question, therefore, of legal jurisdiction was, even upon their own view of it, undoubtedly narrowed to this; viz. whether it was supported by a practice so universal, as to legalise it; and he should be surprised if the judges should be hereafter prepared to say that the local practice in London and Westminster, such as it had been returned to the House, commencing long since the Revolution, with many long interruptions, and without the support of any one instance in other parts of the kingdom, could be sufficient, even against ancient decision to constitute the law. But supposing his noble and learned friend to have prevailed in the argument of law, had any thing been said by him in opposition to the principle and effect of the Libel act; and even if that were admitted to have no direct application, had the sound policy of adopting what the bill now under consideration proposed to them, been combated or even denied? How, then, could it possibly be resisted, but from a determination to persevere in a system of terror and coercion, instead of constitutional freedom, and a liberal confidence in the affections of the people?

My lords (continued lord Erskine), I scarcely know how to express my feelings upon this momentous subject. I am afraid, indeed, that what I am going to say, will be considered as a superstitious weakness—but I cannot alter the character of my mind, nor am at all anxious to conceal it.

I have been convinced, then, my lords, from the beginning of my life, that the world is in a state of progression, and that though it has often appeared, even in the opinions of the wisest, to be alternately progressive and retrograde, yet that it is the manifest design of its almighty Author to raise it to a height of improvement and happiness, which, in our present condition, we have not perhaps the means distinctly to anticipate; and for the accomplishment of this encouraging advancement, since Providence has uniformly proceeded, in all past changes, by means that are human, I cannot but think that particular nations, perhaps even particular men, have their appointed offices and stations. What else, my lords, can I think, when I consider the power and character of our country, whose inhabitants, when invaded by a people having the dominion of the then known world, were found, as it were, upon the very margin of the globe, painted blue, and in the woods? Yet we have seen that vast colossus thrown down and perish, whilst we have been gradually extending our empire to the north and to the south, to the east and to the west; the parent and nurse of the rising generations of an infant world, securing what had been left in other ages of learning and science, but carrying them to heights undreamed of, and establishing the freedom and security of mankind under the light of divine truth, and upon the basis of a constitution so long the admiration of all the people of the earth. Can I then refuse the irresistible evidence, that this mighty dominion is A TRUST, and which, if abused, will be taken away, and placed in other hands to complete its execution? I am alarmed, therefore, my lords, on that account, at what has passed amongst us in our own time. We turned our arms against our own children in America, only because, following our own example, they would be free—and as one evil too closely follows another, we pursued the same mistaken policy in the beginning of the French revolution; and although, in the end, when it was too late to turn back into the right road which we should have kept in from the beginning, I was therefore induced to give *one* vote at last for the continuance of a war which I had always deprecated and detested; yet the consequence of our original error is far from being removed, and is likely to be most unfavourable to our country; since we are entangled in confederacies with other nations, from whom we might have stood aloof and superior.—For proof of this, we are, at this very moment, making ourselves subservient to their supposed security, upon principles destructive of our own.—We are passing an Alien bill, not for our own protection against foreigners, but because subjects of those foreign governments might be unfriendly to their own establishments in their unreformed condition, and might look for an asylum amongst us, against injustice and persecution.—How different is this from the character and genius of our constitution, as described by one of the first of our poets, when he said—

England, with all thy faults, I love thee still—
My country————

And after an episode on the disadvantages of our climate, exclaimed—

————Yet being free, I love thee.
I could endure chains no where patiently—
But chains *at home*, where I am free by birthright,
NOT AT ALL.—

Let us go back, then, my lords, before it is too late, to the good old path of British freedom, which we never should have quitted; and be assured, that all those who, from your first mistake, have got out of it on the other side, spreading alarm and breeding confusion from impracticable theories of government, will come back into it along with you; and then the bill which I propose to you, instead of being dangerous, as you unwisely deem it, will, I admit, be almost useless—as you will then have so few libels to encounter and to punish. I cannot conclude, my lords, without saying, once again, that my noble friend (earl Grey) has done a great good by the first introduction, and the more powerful support, of this subject, and that in the end we must prevail.

The House divided: Contents, 31; Not-Contents, 13. Majority against the second reading of the Bill 18.*

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* The following is a Copy of lord Erskine's proposed Bill:

An Act to prevent Arrests on the charge of Libel before Indictment found.

Whereas doubts have arisen whether it be lawful for any justice or justices of the peace to apprehend, commit, or hold to bail any person or persons upon the charge of being the author or authors, publisher

ALIEN BILL.] The order of the day being read for the consideration of the report of the Alien Bill,

The Lord Chancellor moved the introduction of a clause by which aliens naturalized by the act of the Scotch parliament, by the purchase of a certain quantity of stock in the royal Bank of Scotland since the 28th of April, were still to be considered as aliens, subject to the provisions of the act. The clause was admitted with an amendment of lord Lauderdale, that the individuals in question should be considered as aliens only during the time that the provisions of the act should remain in force. The report was then agreed to.

Lord *Sidmouth* moved the suspension of the standing orders of the House, by which it is provided that no bill shall go through more than one stage in one day, in order that the alien bill might be read a third time and passed.

The Marquis of *Lansdowne* called on the noble viscount to state the reasons which induced him to require their lordships to suspend the wholesome orders in question. He should take the sense of the House on the motion, and if unsuccessful, would enter his protest against the proceeding.

Lord *Sidmouth* replied, that his proposition had been rendered necessary by the postponement of one stage of the bill, to which his noble friend, consulting the convenience of some of the noble lords opposite, had agreed last week. He conceived that their lordships were quite as well prepared to determine on the question then, as they would be to-morrow.

The Earl of *Rosslyn* warmly remonstrated against his precipitation, especially in a case which involved the probable forfeiture of property that might have been purchased by individuals confiding on the faith of parliament, but who by this *ex post facto* law would be exposed to the most serious injury. He concluded by moving that their lordships should adjourn.

A division ensued:

For the adjournment, Present, 11; Proxies, 12—23; Against it, Present, 31; Proxies 27—58: Majority, 35.

There were two other divisions. One on the motion that the question for suspending the standing orders be put,

Contents, Present, 31; Proxies, 25—56; Non-Contents, Present, 13; Proxies, 12—25: Majority, 31.

The other, on the motion that the standing orders be suspended,

Contents, Present, 29; Proxies, 27—56; Not-Contents, Present, 13; Proxies, 12—25: Majority, 31.

The bill was then read a third time and passed.

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or publishers of any writing, before indictment found, or due presentment of the same as a libel; be it therefore declared and enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall not be lawful for any justice or justices of the peace to apprehend, commit, or hold to bail any person or persons upon the charge of being the author or authors, publisher or publishers of any writing, until after indictment found, or due presentment of the same as a libel: Provided always, that nothing herein contained shall extend or be construed to extend to any of his majesty's secretaries of state, nor to any judge of the King's-bench, acting under the authority of an act passed in the forty-eighth year of the reign of his present majesty, intituled, 'An Act for amending the Law 'with regard to the Course of Proceed-'ing on Indictments and Informations in 'the Court of King's-bench in certain 'Cases; for authorizing the Execution 'in Scotland of certain Warrants issued 'for Offences committed in England; and 'for requiring Officers taking Bail in the 'King's Suit to assign the Bail Bonds to 'the King.'

PROTESTS AGAINST THE ALIEN BILL.] The following Protests were entered on the Journals:

"Dissentient,

1. "Because the bill is cruel, for even when not perverted to any improper purposes, it may deter the victims of civil or religious persecution abroad from seeking refuge under the laws of a free country.

2. "Because the bill is unjust. It exposes all resident aliens (such even as may have settled here in consequence of no such law existing at the time) to actual punishment without trial, and it condemns even the most unsuspected among them to an evil greater than most punishments—a dependence on the arbitrary will of one man.

3. "Because the bill is unnecessary, there being no unusual resort of strangers to this kingdom, and no apprehension, real or pretended, that individual foreigners either possess the means or harbour the design of disturbing our internal tranquillity.

4. "Because the bill is unconstitutional. It creates a power liable to abuse, and unknown to our laws; and arbitrary authority has always been thought to degrade those who are the objects of it, and to corrupt those who possess it, and thereby to lead to tyrannical maxims and practices incompatible with the safety of a free people.

5. "Because the bill is impolitic. It discourages the employment of foreign capital, and the exercise of foreign ingenuity, in our country, and obviously tends to embroil us with other courts of Europe, by rendering the residence of any obnoxious individuals among us, an act of the state, and no longer a consequence of the hospitable spirit of our municipal laws.

(Signed) VASSAL HOLLAND,
AUGUSTUS FREDERICK,
LEINSTER,
KING,
ROSSLYN,
PONSONBY,
GREY,
ILCHESTER,

"For the 1st, 2nd, 3rd, and 5th reasons.
LANSDOWN.

"For the 1st and 2nd reasons.
(Signed) GAGE,

"Because by this bill the secretary of state is authorized to convey an alien to any foreign port, and thus deliver such alien into the hands of his mortal enemies—to subject him to perpetual imprisonment—to corporal punishment—to torture—or to death.

(Signed) AUGUSTUS FREDERICK,
GAGE,
VASSALL HOLLAND,
ROSSLYN
LEINSTER,
GREY."

HOUSE OF COMMONS.

Tuesday, June 2.

PRIVATE BUSINESS.] The *Speaker* addressed the House and said, that as there did not appear to be any business immediately coming before the House, he would take that opportunity of submitting his views on a matter of importance to the regularity of the proceedings of the House—he meant the mode commonly pursued of conducting private business. As it was now concluded for the present session, he deemed it fit he should state, that of the great quantity of such business dispatched during this session, nearly one-fourth had been conducted without a compliance with the standing and sessional orders. Those orders had been intended for the protection of property; but under the system now acted on, and for a long time growing up, they were not only an imperfect safeguard, but even worse than none, because they held out the idea of its existence where it was not. It was true, each case wherein the orders had been dispensed with, possessed many merits, but the House would see that the aggregate of such cases was so great, that unless the rules were enforced more strictly, it would, in some time, be impossible to refuse any request for overlooking them. There might be more excuses than in ordinary cases for what happened this session; because Easter fell unusually early, which abridged the proper period for transacting business of a private nature. He trusted the House would excuse him from drawing their attention to the subject, and hoping there would be an amendment in the management of the business he had alluded to in the next session.

REFORM OF PARLIAMENT.] Sir *Francis Burdett* rose to call the attention of the House, and of the public, to the great question of parliamentary reform. The resolutions he was then about to propose, were founded on those acknowledged principles of freedom, which, as they were the basis of all rational government, so were they of the laws and constitution of England; the best inheritance of the subject, and the best security for the stability of the throne—those principles which (however imperfectly acted upon) had given to this country whatever of advantage she possessed over the nations of the continent of Europe, where for the most part despotism unhappily prevailed. These acknowledged constitutional principles he had embodied in a series of resolutions, which, though he feared they might be considered of the longest, would, he hoped, be considered in no less a degree the most important ever submitted to the attention of the House, and of the country: and in

the minds of gentlemen, whose imaginations presented to them nothing under the head of reform, but confused notions of wild and visionary projects tending to anarchy and tumult, he hoped it would produce no less conviction than surprise, to find that the whole tenor of what he had to propose, was in strict unison with principles not only professed by our ablest constitutional writers, but recognized even from the throne by every king of England, that had sat upon the throne for the last two hundred years, with the exceptions of Charles the 1st, and James the 2nd; how unfortunate the exceptions for themselves and the country, was but too obvious!

His resolutions commenced by advancing the fundamental position, that the only adequate security for good government consisted in, and was proportioned to the community of interest between the governors and governed. This community of interest was pointedly acknowledged in a long series of speeches from the throne, from the time of James the 1st, to the reign, and during the reign of the present king. Another principle recognized by the same high authority, and for the same length of time, was, that if on any occasion this community of interest ceased to have place, insomuch, that either one or the other must give way, the interest which ought to give way was not that of the many but that of the few, a proposition in itself incontrovertible, honorable to the throne to acknowledge, and (sanctioned by that high authority) protected and shielded from any possible imputation of temerity, disloyalty, Jacobinism, or treason. The preference thus due to the interests of the people, thus solemnly recognized, necessarily implied a grant of all the means requisite to secure so important and indispensable an end, or in other words, recognized a fair, free, and equal representation of the people in parliament, which was necessary on the one hand, to secure the legitimate and due dependence of the representatives of the people upon their constituents, by means of which alone this important object could by possibility be obtained; and on the other hand, to guard against the long experienced evils of a contrary dependence of the representatives of the people on the Crown, or on a corrupt and borough-monger oligarchy.

If the panegyrics so frequently bestowed on the English constitution had any foundation in truth, the king and the people had one and the same interest, and there was no sufficient ground for such violent jealousy of the prerogative of the Crown as many entertained. But, if he disclaimed any unreasonable apprehension of the power of the Crown, he did at the same time insist upon, claim, and demand, on behalf of the people, that full, fair, free, and equal representation of them in the Commons House of parliament, which was the just and constitutional check to the power of the Crown—so checked, prerogative would cease to be dangerous to public liberty—so restrained within constitutional limits, it would be exercised, as it could only be constitutionally exercised, for the public benefit, on sudden emergencies, and in cases for which no legal enactment had made provision; this was the proper field for the beneficial exercise of the Crown's prerogative, and from its due exercise, the people had nothing to fear, provided always they were in possession of that share in the government which belonged to them of right, and for the establishment of which it was the object of his resolutions to point out provisions. The more he had scrutinized and reflected on the reinstatement of the people in their constitutional rights, the more just and simple, and easy and practicable it appeared. It had indeed become so familiar to his own mind from habitual investigation, that he laboured under that sort of difficulty in treating it, which was felt in the attempt to demonstrate an apparently self-evident proposition. As he was aware, however, that there were many who had not turned their attention much to the subject, many who differed from him in opinion with respect to it, many who, though they agreed with him as to the necessity of reform, yet still did not concur with him as to the practicability or the safety of the extent to which his proposition carried it—under these circumstances it was incumbent upon him to discuss the subject on the present occasion, and it would be impossible for him to confine himself within such narrow bounds as he could otherwise have wished, both on his own account, and on account of those he was addressing. There were honest alarmists who, from sheer timidity or imbecility of mind, had raised a senseless clamour against the principles of reform, on account of their imputed tendency to generate wild and visionary theories, leading to anarchy and confusion,

and to the subversion of all order and regular government in practice. But the fears and apprehensions of such persons would be allayed; the principles thus stigmatized would be vindicated, on a reflection that they were the same principles upon which our forefathers acted, upon which the English constitution was founded, and which in proportion to their having been observed or neglected, had uniformly been accompanied by a corresponding degree of prosperity on the one hand, or of calamity on the other, to the country. That elections ought to be free, no man was bold enough in terms to deny. "*Fiant electiones ritè et liberè*," was a maxim of the common law. Freedom of election was, indeed, the life-blood, the soul of every free state; and no man, he imagined, at all conversant with the history of this or any other country, would dispute, that in proportion as elections were free and frequent, was the security they afforded to the people. Annual parliaments, annually elected, and oftener when it was oftener necessary to convene parliaments, were equally and undeniably evidenced by the concurring testimony of the common law, the statute book, and our ancient records; and that formerly an extent of suffrage existed so general, that it would be difficult to attempt to fix the limits, was also evident. Whilst he stated this, he was willing to admit, that could it be ever so clearly demonstrated, it would by no means be decisive of the question as to what ought, under the actual circumstances of the country, to be the present limits to which it would be wise, reasonable, and practicable to extend it. This, he agreed, was a question which ought to stand on its own merits; and that the line now to be drawn was to be determined by the actual state of society, the general interest, and public utility. He had himself formerly intimated his intention of proposing a plan of reform, limiting the right of suffrage to such persons as paid direct taxes to the king, the church, and the poor. Had that been agreed to, he had no hesitation in saying, that it would then have satisfied the country. Neither had he any doubt that it would have been effectual to its purpose; that is to say, an efficient control on the executive government, and a complete remedy for all the evils generated by that prolific monster and parent of every grievance, the permanent power of a borough-monger faction, ever ready to usurp and barter the liberties of the people for the patronage of the Crown. It would have reunited those interests, which ought never to be separated, of the king and the people, and rescued from the power of an oligarchy, both. He was then taunted with not acting up to his own principles, with not going far enough to give general satisfaction, which was so desirable to be obtained, and was the great end proposed by the measure; but he believed that his former plan would have effected every beneficial purpose, and given ample security to the country. But since that period the question of reform had been greatly agitated; the ablest men of the age had fully discussed it, and sifted it to the bottom. Above all, Mr. Bentham had, with unrivalled ability, proved how easy and safe it was to carry the principles of reform into practical effect. The public mind had therefore made rapid advances, and as investigation had diffused knowledge, it had produced conviction of the necessity, as well as of the safety of the most extended system of reform. The principle of the most comprehensive right of voting, which for shortness had been called universal suffrage, though the term was certainly incorrect, because it was clear that some defalcation from it was, in practice, necessary—and it was not perhaps very important, provided it was sufficiently comprehensive to include the universal interest, where the line was drawn—the principle of what had been better called virtually universal suffrage, had been adopted not only by the great number, but also by the most learned and enlightened men in the kingdom. To protect, however, those who maintained this principle from the charge of being wild, visionary, and dangerous, he not only relied on the clear and satisfactory reasoning by which it was supported, but had thought it necessary to trace back the ancient practice of the constitution to remote periods; so remote, indeed, that some of those he was addressing might possibly think it not necessary, or even relevant to the question. He felt, however, that it was necessary in advocating so great a measure to anticipate and guard against, as far as he was able, every possible, as well as probable objection. For although ancient custom and practice did not in the eyes of philosophers, weighing every thing in the scale of reason, and forming a judgment after accurate investigation and reflection; although antiquity and custom

did not offer to such persons any satisfactory proof of the merit of any question in dispute, yet as the bulk of mankind were not philosophers, they were for the most part much influenced in their opinions by considerations drawn from such sources; and it had always been looked upon as a great strengthening to a popular cause, and to popular rights, to be able to deduce from remote antiquity, the principles and practices upon which they were founded. He did not affirm that because a practice was ancient it was therefore desirable, and was willing, on the contrary, to admit that it could not be desirable, except inasmuch as it was consistent with the actual state of the country; yet, if the people claimed rights anciently possessed by their ancestors, and exercised without any ill consequences having been proved to have resulted from their enjoyment; and on the contrary, great mischief had always ensued from their having been neglected or trampled on; if such had been the uniform consequence of any infringement of the right of suffrage, the claim to that right on the part of the people was strengthened by the result of reason and experience; and however the question, as to the expediency of re-adopting such practice and such measures as formerly prevailed with beneficial effect, might be determined upon a fair discussion and after mature deliberation, no objection could be raised against them as being new, visionary, and wild.

The more remote the research into our history, the more plainly are indicated the evidences of our free constitution. That elections ought to be free was part of the common law: that they were also frequent appears from the ancient law, which ordained that two parliaments were to be held every year, or oftener, if need were; and this was "de more," or common law. William 1st, vulgarly called the conqueror, to whose reign high prerogative lawyers have been in the habit of referring in support of overstrained power in the Crown, obtained the Crown not by military conquest of the nation, but by compact and agreement. The coronation oath which he took bound him to govern by the old Saxon laws, by which laws parliaments were to be held twice a year; and although he did not regard his coronation oath, that would be no argument against its validity, and still less against the validity of those rights which he violated, notwithstanding his oath to maintain. And the history of the country sufficiently showed, that the violations of the fundamentally free principles of the constitution ever produced trouble and civil war; and it was only by again recurring to them that order and satisfaction could be restored: and this also proved the necessity for the preservation of freedom, of recurring from time to time to first principles, according to the advice of the most eminent political writers.

Subsequent to the time of William 1st, there could be no doubt that annual or more frequent parliaments were the practice, and that practice continued through a long period of time: from which practice no inconvenience was ever stated to have arisen. That these frequent parliaments were returned also by fresh elections, besides the testimony of the regular series of writs still extant, was also evidenced by the nature of the thing itself: for what was the object for which parliaments were convened; what but for the purpose of making the king acquainted with the views, feelings, wishes, and interests of the people in every part of his dominions. Every power was intrusted to the Crown for the benefit of the subject: without a parliament, a freely and frequently elected parliament, their interests could not be secured, nor could the king be made acquainted with the wishes and the grievances of the people. Had parliament been a long continued or permanent body, its object and its uses would entirely have ceased: and as seats in parliament were not in those times objects of profit or emolument, but, on the contrary, both burthensome and dangerous, as they exposed those who held them to the absurd prerogative of the Crown, for the purpose of intimidating the members, whom there were then no funds to corrupt—as it was of no advantage to the member to be long continued in that situation, nor to those who sent him, that he should so continue, the reason of the thing, and the interest of all parties concurred to shorten the duration of parliament.

Far, however, the most important part of this subject related to the extent and distribution of the suffrage by which the members were elected. Who were those who had the right to appoint representatives? How far did that right or elective franchise extend? The true ground upon which the claim of the people ought to stand (which he agreed was that of rea-

son and utility, whatever might have been the practice of our ancestors), there could be no better mode of ascertaining than by considering the foundation of the common law, which taking its rise from common consent, reason, and common sense, was founded upon maxims which neither time nor place, nor circumstances, could ever materially alter. One of these maxims stated by chancellor Fortescue, in his book on the Laws of England, was, "that no man could be taxed without his own consent." This principle was embodied in various statutes in the brilliant reigns of the first and third Edwards, than which none in our history were more glorious or more prosperous and happy. That every person ought to have a share in making the laws by which he was to be bound, was in itself so reasonable and so necessary, that sir William Blackstone justified upon that principle alone, the right of the government to inflict death upon offenders. "The lawfulness of punishing criminals," says he, "is founded upon this principle, that the law by which they suffer was made by their own consent." Upon the same principle he justified the scandalous neglect of the due promulgation of laws; of which neglect, however, ancient times were not so guilty as the present. There is no occasion, says Blackstone, to promulgate the laws, because every man is in judgment of law a party to making an act of parliament, being present thereat by his representative. This, though a miserable fiction—unfortunately, however, men were not hung in fiction—bore testimony to the principles for which he (sir Francis) was contending: it acknowledged the people's right, and at the same time exemplified the necessity of the exercise of that right, as the only means of happiness and safety.

The right of the people was also acknowledged in the ancient coronation oath: the king was asked if he would govern by the laws which the people chose. The words were "*leges quas vulgas elegerit.*"—Words of larger import no language could afford; and with a view to the practical effect, the act of Henry 4th, passed on the grievous complaint of the people, of the infringement of their constitutional rights by undue interference in their elections, after stating that sheriffs should conduct themselves impartially, proceeds to point out who were required to choose knights of the shire. The words were, that all they that were present in the county court, as well suitors duly summoned, as others, should attend to the election of their knights for the parliament. Under these words, as universal as could well be imagined, all who were present, which might fairly be interpreted to mean all the inhabitants of the county, appeared to have had votes. Mr. Justice Blackstone, indeed, construed the word "others" to mean other suitors, *i. e.* other freeholders, or freeholders who were not duly summoned. This, however, appeared to him (sir F.) to be a construction not to be admitted, because all the freeholders were summoned by the sheriff's proclamation: all, therefore, were equally summoned, and equally duly summoned. To whom then could the word "others" be applied? If not to all the inhabitants of the county, he did not pretend to know; and to him it appeared, that under this act every inhabitant of the county had a right to vote, and this act he conceived to be declaratory of a common law right. The first restrictive statute, the first infringement upon this right was the act of Henry 6th, restraining the right of voting to freeholders of forty shillings a year, probably equal, if the difference of the value of money was considered, to 40*l.* a year of the present day. The pretences for this great infringement and violation of the rights of the people were upon the face of them evidently false: without alleging any fact of mischief having ever taken place, the act states that a great and outrageous concourse of people had attended to give their voice at elections, and that persons of no property pretended to have a voice equal to the most worthy knights and esquires, and that tumults, manslaughters, riots, and batteries, might very likely arise and be; and on this flimsy and false pretence, it disfranchised all who had not freeholds to the amount of forty shillings a year. The statute did not state that any manslaughters or riots had actually arisen; but it asserted what could not be contradicted, that such things might possibly arise and be. Nor did he see, unless the construction he put upon the law was correct, how any such outrageous concourse of persons, and persons of no property, as was complained of, could have taken place. If this was a reason for disfranchising any part of the people, it would be a reason for putting an end to all elections. If the fear of riots, before any had ever arisen, was a cause for disfranchising so large a portion

of the people of England, what would be said to the present state of elections, to that system which was all riot, confusion, and disturbance. Elections were now for the most part scenes of drunkenness, perjury, and knavery. Proceedings which had no existence when the extended right of suffrage was exercised, were now witnessed at every election with the almost sole exception of one place where elections were conducted on a very extended scale of suffrage, and which he had the honour to represent. Here indeed the people had managed their own elections without riot, disturbance, perjury, drunkenness, or any of the mal-practices before mentioned, and which shallow-minded persons were apt to consider as necessarily attendant upon popular elections. The citizens of Westminster, when left to themselves, had elected their representatives as peaceably and as quietly as a parish vestry elected a parish officer; and this was an experiment that went to prove the safety with which the people might be trusted with the exercise of their own rights. That the citizens of Westminster had been able under such disadvantageous circumstances as had existed, under the influence of a rotten borough system, and a septennial act—that under such circumstances they should have had the will and the ability to conduct themselves in so exemplary a manner was not less honourable to themselves than it was gratifying to the friends of rational reform, and no less useful as an example to the country.

The two simple points upon which, as upon pivots, every thing respecting liberty turned were security of person and security of property. Security of both was the common law and in alienable right of the people of England. That no man's person should be touched without due process of law—that no man should undergo punishment without legal trial, or have the fruit of his honest industry taken from him without his own consent, were such rational, equitable, and moderate claims, that no man of common sense or common honesty would be found to deny their justice. In proportion as they had been regarded, the country had always been contented and prosperous. Unfortunately, however, there had been some kings who had resisted them, and misfortune invariably followed. Amongst such kings was Charles the 1st, who having violated all just principles of government, broken down the barriers of property and personal safety, and wrested the laws by means of venal lawyers to purposes of oppression, filled the cup of national calamity to the brim, and was himself at length compelled to drink it to the very dregs. Charles the 2nd, not deterred by the example of his father, nor by the calamities of his country, nor by gratitude for his restoration, pursued the same unconstitutional career, and prepared thereby the downfal of his house. After the expulsion of James the 2nd, we came to a new constitutional æra, that of the making a new Magna Charta—a new declaratory act—the bill of the rights and liberties of the people of England. At this period the security to which the people were acknowledged to be entitled, ought to have been established—but for want of that which could alone give effect to the declaration of popular rights, that bill, together with all the other sham securities and unavailing declaratory acts with which the people have been so repeatedly deluded, failed upon trial. The necessity of a fair, full, and free representation of the people in parliament, was set forth in king William's declaration, upon which the Bill of Rights ought in honesty to have been framed; but this, with many other important provisions, was neglected to be enacted, or purposely omitted,—so numerous, indeed, were the sins of omission upon that occasion, that Mr. Fawkes had humourously observed, that the people at the revolution got a good bill of fare, but no dinner. Though the pretence was held out at the revolution, that the steps then taken were not only retrospective but prospective, not only to get rid of evil men, evil counsellors, evil kings, and corrupt judges, but to prevent such counsellors, kings, and judges, from ever again attempting, or assisting, to subvert the freedom of the country—though the bill declared against all unusual and cruel punishments, against packing juries and packing parliaments, against standing armies in time of peace, against corrupt interference in elections, and that elections ought to be free, yet no provisions were made to carry these declarations into effect, and to some of them a few words were added, which deprived the people of all the benefit which might have been derived from them. These magical words were "without consent or grant of parliament," or "unless it be with consent of parliament." Behold here

the talisman, by the effect of which, the glorious edifice of English liberty, which had been raised up by our ancestors with so much labour, persevered in with so much courage, and cemented with so much blood—by the application of these few simple words, as with the touch of a magician's wand, the fabrick vanished into air:

"into thin air,
And like the baseless fabrick of a vision
Leaves not a wreck behind."

What was the difference to us, whether we had suspended laws, money illegally raised, and standing armies, and other detestable measures of the most detestable despotic power—what was it to the people of England, whether infamous and tyrannical acts were perpetrated by corrupt lawyers, upon pretence of the prerogative of the Crown, or by corruption in the hands of the Crown, operating upon the venality of parliament? The effect was the same, whether the tyranny was exercised one way or the other, excepting that it was more mortifying to fall victims to the villany of false guardians, and self-appointed trustees, than it was to be overpowered by force, and submit to inevitable necessity. It was, as if a man was to be robbed by watchmen hired to protect him, to have that which was intended for his security, turned into the means of destroying him: this was an aggravation, not an alleviation, it was an insult not to be patiently endured. Had there been no such body as a corrupt House of Commons, there had still been some constitutional land-marks beyond any other power to remove: and the evil of the present corrupt oligarchy was so great, that he had rather there had been no House of Commons at all, than a House of Commons serving no other purpose than to destroy the liberties it was instituted to protect—a House of Commons in show and appearance—a House of Commons to trick, cheat, and delude, but answering no useful purpose of check and control—a House of Commons, that under the mask and sanction of being the representative body of the people, betrayed their freedom, and plundered their wealth. To prevent the continuance of such evils, there was one and only one way, which was by a recurrence to the first principles of the constitution—to make the great body of the people a constituent part of the government—to give them their due weight in the state, and afford them the fair exercise of the inalienable rights to which they were justly entitled. He asserted that the rights of the people were inalienable; the government, so far as it was in other hands, was a trust for the people, and sacred, only, inasmuch as it answered the purpose of preserving the general freedom and security—it was a trust which had been forfeited, and might again be forfeited, by abuse, whereas, the rights of the people could neither be forfeited nor destroyed.

In advocating the principles embodied in his resolutions, he could appeal with confidence, not only to antient, but to modern authority. In the year 1780, when the Westminster committee, of which Mr. Fox was chairman, was appointed to inquire into the state of the representation, a sub-committee, at which Mr. Sheridan presided, was instructed to investigate the question of reform, and to make thereon a report. That report, he had reason to think, was the first foundation of the petition presented to the House in the year 1793, by the Friends of the People. That petition unanswered and unanswerable, was still lying on the table, and he was inclined to think that it was the real parent of that numerous progeny which had since quite overlaid the House. The report made by Mr. Sheridan having analyzed the composition of the House, gave, amongst others, this striking result, viz. that a majority of the members was returned by about 6,000 miserable and dependent voters. These were voters of the precise description of those, the admission of whom to the right of suffrage was the main argument, real or pretended, against the system of radical reform. Under the present system, and at this time not universal suffrage, but the dregs of universal suffrage, unallayed by any richer matter, returned more than half the members of the House. The suffrages which were pretended to be of so malignant a quality, that they would vitiate the whole mass of wealth and population, even when absorbed by it, and when they would be as a drop in the ocean—the suffrages which were pretended to be so malignant as to poison and contaminate the whole, were nevertheless contended to be, when unrectified by any more wholesome mixture, and exercising alone the whole power, perfectly harmless, and indeed highly beneficial. Such was the result of the argument against comprehensive suffrage, and in favour of the pre-

sent system. Such the logic by which the one was proved dangerous, the other beneficial. Mr. Sheridan's Report concluded with stating the representation to be still more inadequate with respect to property than population; and Mr. Fox, as chairman of the Westminster committee, to whom the sub-committee reported, signed resolutions to the following effect, viz. "that annual parliaments were the undoubted right of the people, and that the act which prolonged their duration was subversive of the constitution, and a violation on the part of the representatives of the sacred trust reposed in them by their constituents;" and "that the present state of the representation was inadequate to the object, and a departure from the first principles of the constitution." It might be said that Mr. Fox's opinion was different, and that he only signed his name as chairman of the committee. But this could not be acceded to, for though an official chairman of a public body must sign whatever is brought before him, merely to authenticate it; and though a volunteer chairman might sign his name to matters of regulation, in conformity with the principles he adopted, yet no man could be justified in signing his name to principles he believed false, and opinions he thought erroneous. Besides it was the opinion of Mr. Fox, in 1797, that the people had a right to be well governed—a right to form a constituent part of government, and that the best plan of representation was that which brought forward the greatest number of independent voters. Mr. Fox was therefore for the most comprehensive system of suffrage which could be combined with freedom of suffrage. Annual parliaments and the most extensive mode of suffrage had been advocated by the late duke of Richmond, in his famous Letter to colonel Sharman, with a strength of argument quite unanswerable. The same principles had been investigated and maintained with additional force and acuteness, and philosophical accuracy, accompanied with complete demonstration, of the safety with which they might be reduced to practice, by Bentham. If any anti-reformer could answer Mr. Bentham's arguments, he would do more efficacious service to reformers and anti-reformers, than could ever be effected by dealing out false imputations and unsubstantiated slander, these being, with a due portion of misrepresentation and exaggeration, the only intellectual weapons hitherto employed by the enemies against the friends of reform. Mr. Pitt had declared the present system to be both the offspring and the parent of corruption, under which no minister could act according to the interest of the country, nor any honest man continue minister—but *tempora mutantur*—Mr. Pitt himself became minister, and exemplified the truth of his own doctrine. Mr. Burke also had expressed his abhorrence of the corruption of this House—with a masterly hand depicted its character, and lamented its unnatural want of sympathy with the people: he had declared that "it would (among public misfortunes) be more natural and tolerable that the House of Commons should be infected with every epidemical phrenzy of the people, as this would indicate some consanguinity, some sympathy of nature with their constituents, than that they should in all cases be untouched by the feelings and opinions of the people out of doors. "The virtue, spirit, and essence of a House of Commons," said he, "consist in its being the express image of the feelings of the nation. It was not instituted to be a control upon the people, as of late it has been taught, by a doctrine of the most pernicious tendency; but as a control for the people."* Sir William Jones, whom Dr. Johnson called the most enlightened of the sons of men, had declared, that if the present representation could be compared to a tree rotten at the heart, he wished to see removed every particle of its rottenness, that a microscopic eye could discern: he derided many of the fashionable doctrines, that of virtual representation he held to be actual folly, as if they were to talk of negative representation, and contend that it involved any positive idea. He said that the right to be represented was an inherent right, and that it was mere banter to call men free who did not possess it.

It would be easy to go on citing opinions, till it was shown that almost all the great men which this country had produced from the time of the revolution, till the present moment, had brought concurrent authority, as well as unanswerable reason, in aid of the great cause of parliamentary reform. But he would now address a few words to those gentlemen who might think that he did not act with sufficient caution or prudence on the pre-

* See Burke's Works, vol. 2, p. 287, edit. 1808.

sent occasion. To those sincere and honest friends of reform, who agreed with him as to the necessity of reform, though they had not made up their minds to the propriety of the extent to which he now proposed to carry it—to them he would say, that having tried all possible modes of obtaining co-operation short of compromising public principle, to such a degree as to lose all hope of public benefit, from persevering in the same course; having witnessed the result of the motion made a few nights ago, for repealing the Septennial act—an act so violent and unconstitutional, as to provoke and to justify Dr. Johnson in saying, "That the creation of twelve peers in one day, in queen Anne's time, in order to obtain a majority in the House of Lords, though violent enough, was still legal, and not to be compared to the contempt of national rights with which the House of Commons some time afterwards, at the instigation of Whiggism, elected themselves for seven years, having been elected for three by their constituents;"—having witnessed the fate of the motion to repeal that violation of the law and constitution of the country and to put us back only in that one respect to the state we were in at the time of the Revolution; having witnessed the fate of the proposals which had been made by himself and others for a more limited reform, he was convinced, and he thought that at length the step-by-step reformers would be convinced of the utter impracticability and hopelessness of that mode of proceeding, and he therefore no longer thought it prudent to pursue so inefficacious a course, or to withhold the plan, of the propriety of which his own reason was convinced; and which, he had no doubt, examination and experience would confirm. The object was, that elections should be free and frequent, and that suffrage should be equal and comprehensive. The common law maxim, that elections ought to be free, was affirmed by the statute of Westminster, 1st, which says, that no great man, or other, shall by force, cunning, or contrivance, (such being, according to my lord Coke, the import of the word *malice)* disturb the freedom of election. The same thing was declared at the commencement of every parliament, by a resolution of this House; which, at the same time that it declares that it is a high breach of its privileges for any peer of the realm to interfere in the election of a member of the House of Commons, allows a petition to remain unnoticed for years on its table, which asserts and offers to prove, that a large proportion of its members are absolutely the nominees of peers, or returned through the influence of peers. It was high time that these laws, and these maxims, should cease to stand upon our Statute book, and upon our own Order book, "like the forfeits in a barber's shop, more in mock than mark;" and that the public should feel, from their observance, some beneficial effects. But the freedom of elections could only be secured by extending and equalizing the right of suffrage, and shortening the duration of parliaments. On a fair distribution and extension of the elective franchise, and on a division of the United Kingdom into electoral districts, he calculated that each district would contain about 4000 voters, a number far too great for any man to bribe or terrify; and accompanied with annual elections, not presenting a sufficient interest to induce any man to attempt it. Some thought that additional security would be afforded by the ballot; and, as it appeared to him that the ballot could do no harm, and might occasionally be a protection, by leaving the voter at liberty to divulge or conceal his vote, he had introduced it into his resolutions, for the purpose of its being fairly discussed. For his own part, he confessed that he thought it unnecessary; for where there was no good for which to strive, no strife could grow up there from faction, and it was clear, that annual elections would offer no inducement to persons to become candidates for so short-lived a power, sufficient to make them willing to incur any mighty expense. The honour of the station would scarcely be more than a recompence for the trouble. The numbers would be too great to corrupt, and the benefit to be derived would be too small; so that if any one could be supposed to have the will, he would not have the power; and if he could be supposed to have the power he would not have the will; and there being neither will nor power, nor motive of any kind, it might seem superfluous to guard against actions which, under the supposed circumstances, there would be no temptation to commit.

As to the extent of suffrage, it was evident, that in practice some line must be drawn; and he had no hesitation in saying that many were the points at which the limits might be fixed with equal advantage and security to the public; provided

always, that the extension was sufficient to comprehend the universal interest, and secure freedom of election. But if it could be shown, that the most comprehensive suffrage would produce no inconvenience in practice, it ought not in justice to be withheld. Mr. Bentham had, by incontrovertible argument, demonstrated that no danger whatever would arise from the most extensive suffrage that could be established. What sort of power was it that was conferred by the right of voting, if power it was to be called, on the part of the people? that every man should have a fraction, which fraction was a four thousandth part of a voice in the appointment of a fraction which was itself a six hundred and fifty-eighth part of a voice in the House of Commons: so that every man, be his fortune what it might, should have the power of saying who he thought was the best character amongst his neighbours, to whom he would most willingly entrust the guardianship of his rights and liberty: now how was any mischief from this cause to be apprehended? First, a man of mischievous intention must be able to persuade the majority of four thousand persons, of equally mischievous intentions of course, to concur in the appointment of the mischievous person; and when so appointed, this mischievous person must have the concurrence of a majority of 657 other mischievous persons also, elected by an equal number of other mischievous constituents; and when all these persons had agreed in the mischief to be committed, they must obtain the concurrence of the House of Lords, and subsequently of the king, before the supposed mischievous act could be carried into effect, to suppose it possible would be to suppose the possibility of the deliberate perpetration of an act of suicide, by a whole nation; it must be, in fact, a conspiracy of the nation against the nation—a result that could not be anticipated with a reference to any of the known principles of human action; it was to suppose human beings, without any possible motive, uniting to destroy their own happiness.

Some had objected to extending the right of suffrage, on the ground that persons without education, without moral or political rectitude, rank, or station in life, would be elected. This was an opinion contradicted by the history of all ages, times, and countries; and he had no hesitation in saying, that the very reverse would be, as it always had been, the result, unless history was all a fable, political writers all mistaken, and Machiavelli a beardless boy, just come from reading Livy. He tells us, in commenting upon that author, after maturely considering and deeply meditating upon the subject, and facts presented to his view, that the voice of the people, in matters of election at least, was not unaptly styled the voice of God—that there was no comparison between the wisdom of the choice of the people, and that of any king or small body of men. Indeed, says he, it is impossible to get the people to advance a worthless or unprincipled character, than which nothing is more easy or common with princes: and such was the modesty and sense of the Romans, that though they had violent struggles with the patricians to obtain an equal right of admission to all the great offices of the state—although they had been insolently, and arrogantly, and unjustly treated by the patricians, yet, having obtained that fair equality for which they contended, and notwithstanding their just causes of enmity on account of the insolence and oppression of the patricians, they still annually elected the great officers of the state from amongst the patrician families. So undeviatingly correct was their instinctive judgment with respect to elections, that, in the course of 400 years, the Romans, who elected annually all the great officers of the state, did not, in all that period, make above three or four elections, of which they had any reason to repent.

The people of this country had also, in former times, elected, not only members of parliament, but their leaders in war, and officers in peace, with the exception only of the immediate officers of the executive government in the appointment of the king. It was then but asking a little for the people of their ancient freedom, to have a voice in the choice of their representatives in parliament. This would be but a small portion of their ancient birthright restored,—

> "Nam qui dabat olim
> Imperium fasces legiones omnia, nunc se
> Continet"—

He would not continue the quotation, which would be to libel the people of England, who are not like the degenerate Romans, anxious only for bread and public shows, but are hungry for the bread of liberty, for the recovery of the rights of

their forefathers. They asked no bread but that which was earned by the sweat of their own brows; and when they had earned it, they asked nothing but that it should not be wrenched from them and their children by the hand of fiscal rapacity, to feed the profligate and unprincipled, the sons and daughters of corruption. The people of this country were honest, laborious, and high-minded; they asked not alms nor amusements, but demanded freedom—demanded to have check and control over the public purse, which purse was their's, and security to them and their children for the enjoyment of the fruits, the hard-earned fruits, of their at present unrequited industry. Security of person and property was the extent of their claim; and was it not monstrous that a government, which exercised a power of taking men by force from their homes and families, to be employed for its defence, which by compulsory ballot filled the ranks of its militia, and by violence and coercion manned its fleets, exposing them to all that is most formidable in fire and water combined, destructive and appalling to our common nature, which lavishly shed the blood of the people for its defence, should not only exclude the people from all efficient share in the government, not only from the making of laws, but even from any share in the appointment of those persons who were to determine when and how their blood, bones, and sinews, should be disposed of. This was all that was sought for under the most extended right of suffrage, that a man should have the opportunity afforded him of saying with whom he would wish to intrust his liberty, his property, and his life. This, surely, was not asking too much—surely there was nothing unreasonable in this, nothing to excite apprehensions, cause alarm, or be productive of anarchy and confusion. In every government, in every part of the world, the universal tenor of history, bears undeniable testimony to this great truth, that in proportion as the people have had any share in the government, in that proportion have all countries been peaceable, prosperous, and happy. On the contrary, wherever monarchy, aristocracy, and, still more, oligarchy prevailed, in an equal degree have those countries been miserable, discontented, and poor. As the people of England were anciently, and ought of right now to be free—as freedom and frequency of election were parts of our constitution, and prevailed without inconvenience in ancient practice—and as security for property, liberty, and life, depended solely in this country on a constitutionally constituted House of Commons partaking the interests, sympathizing in the feelings, and faithfully representing the wishes of the people, he trusted that the resolutions which embodied those principles would not be rejected without being refuted, either as mistaken in principle or mischievous in practice. — Sir Francis then moved the following Resolutions:—

1. "That no adequate security for good government can have place, but by means of, and in proportion to, a community of interest between governors and governed; and that the truth of this principle has been unequivocally recognized in speeches delivered from the throne by all the kings of this realm (except only king Charles the 1st, and king James the 2nd) from the accession of king James the 1st, down to the present reign, both inclusive; and that in particular, 1st. In a speech delivered by king James the 1st, on the 9th of November, 1605, his majesty, after speaking of the 'weal' of the king of this country, and the weal of the country itself, was pleased to add, 'whose 'weals cannot be separated:' and, 2nd. In a speech delivered on the 14th of February, 1670; his majesty king Charles the 2nd, after speaking of a supply which was then demanded by him, was pleased to say, 'consider this seriously and 'speedily; it is yours and the kingdom's 'interest as well as mine:' and, 3rd. In a speech delivered on the 18th of June, 1678, his said majesty king Charles the 2nd, after declaring his intention to open his heart freely to his parliament, on some points declared by him to be such as 'nearest concern,' says he, 'both you 'and me,' was pleased to add, 'and I hope 'you will consider them so, because I am 'sure our interests ought not to be divided; 'and for me they never shall:' and, 4th. In a speech delivered on the 21st of March, 1681, his said majesty king Charles the 2nd was pleased to say, 'it is as much 'my interest, and it shall be as much my 'care as yours to preserve the liberty of 'the subject:' and, 5th. In a speech delivered on the 4th of November, 1692, his majesty king William the 3rd, speaking to his parliament, and through his parliament to his people, was pleased to say, 'I am sure I can have no interest but

'what is yours,' adding, 'for I have no 'aim but to make you a happy people:' and, 6th. In an answer given to an address of this House on the 22nd of November, 1695, his said majesty king William the 3rd, was pleased to say, 'our interests 'are inseparable, and there is nothing I 'wish so much as the happiness of this 'country where God has placed me;' and 7th. In a speech delivered on the 21st of October, 1702, her majesty queen Anne was pleased to say, 'My interests and 'yours are inseparable, and my endeavours 'shall never be wanting to make you all 'safe and happy:' and, 8th. In a speech delivered on the 29th of October, 1704, her said majesty speaking of a certain measure of government as being then begun upon, was pleased to say, 'I look 'upon this good beginning to be a sure 'pledge of your affections for my service, 'and for our common interest:' and, 9th. In a speech delivered on the 9th of April, 1713, her said majesty was pleased to say, 'those who would make a merit by sepa-'rating our interests will never attain their 'ill ends:' and, 10th. In a speech delivered on the 13th of January, 1732, his majesty king George the 2nd was pleased to say, 'our safety is mutual, our interests are 'inseparable:' and 11th. On the 16th of April, 1734, his said majesty king George the 2nd, speaking of 'sovereign and sub-'ject,' was pleased to say, 'their interest 'is mutual and inseparable:' and, 12th. On the 17th of October, 1745, his said majesty king George the 2nd was pleased to say, 'the interest of me and my people 'is always the same,' and therefore he adds, 'in this common interest let us all unite:' and, 13th. In a speech delivered on the 10th of June, 1772, his present majesty, after speaking of all ranks of his faithful subjects, was pleased to say, 'let it be 'your constant care to assure them that I 'consider their interests as inseparably 'connected with my own: and, 14th. In a speech delivered on the 10th of June, 1791, his present majesty after the gra-cious assurance expressed in these words, viz. 'my constant endeavours will be di-'rected to the pursuit of such measures as 'may appear to me best calculated to pro-'mote the interests and happiness of my 'people,' was pleased to add, 'which are 'inseparable from my own.'

2. "That on any occasion upon which this community of interest fails to be entire, the interest of the few, or of the one, ought to give way to the interest of the many; and that the truth of this prin-ciple has been recognized in speeches de-livered from the throne by the kings of this realm, of every family from the acces-sion of king James the 1st down to the pre-sent reign, both inclusive; and that in particular, 1. In a speech delivered on the 19th of March, 1603, his majesty king James the 1st was pleased to acknowledge and declare, 'when I have done all that I 'can for you, I do nothing but that which 'I am bound to do, and am accountable 'to God for the contrary; for I do ac-'knowledge that the special and greatest 'point of difference that is between a 'rightful king and an usurping tyrant, is 'in this: that whereas the proud and am-'bitious tyrant doth think his kingdom 'and people are only ordained for satis-'faction of his desires and unreasonable 'appetites; the righteous king doth, by 'the contrary, acknowledge himself to be 'ordained for the procuring of the wealth, 'and prosperity of his people:' and again, 'if we will take the whole people as 'one body and mass, then as the head is 'ordained for the body, and not the body 'for the head, so must a righteous king 'know himself to be ordained for his peo-'ple, and not his people for him:' and, 2. In a speech delivered on the 3rd of December, 1697, his majesty king William the 3rd was pleased to say, 'That which I 'most delight in is, that I have all the 'proofs of my people's affection that a 'prince can desire; and I take this occa-'sion to give them the most solemn as-'surance, that as I never had, so I never 'will nor can have any interest separate 'from theirs:' and 3. On the 21st of No-vember, 1717, his majesty king George the 1st, speaking of certain endeavours used by him on an occasion then men-tioned was pleased to say, 'It is your in-'terest that my endeavours should take 'effect; it is your interest, and therefore 'I think it mine;' and, 4. On the 13th of January 1730, his majesty king George the 2nd was pleased to say, 'I desire that the 'affections of my people may be the 'strength of my government, as their in-'terest has always been the rule of my 'actions and the object of my wishes:' and 5. On the 3rd of April, 1744, his said majesty king George the 2nd was pleased to say, 'I have no interest at heart but 'yours;' and therefore to add, 'and in 'that common interest let us all unite;' and, 6. On the 25th of June, 1751, his said majesty king George the 2nd was

pleased to say, 'I have nothing to de-'sire of you but to consult your own true 'happiness and interest:' and, 7. On the 15th of November, 1763, his present majesty was pleased to say, 'as the interests 'and prosperity of my people are the sole 'objects of my care, I have only to desire 'now that you will pursue such measures 'as are conducive to those objects with dis-'patch and unanimity:' and, 8. On the 13th of November, 1770, his present majesty was pleased to say, 'I have no inte-'rest, I can have none, distinct from my 'people:' and, 9. On the 8th of May, 1771, his majesty was pleased to say, 'I have no other object, I can have no 'other interest than to reign in the hearts 'of a free and happy people;' and thereupon to add, 'the support of our excel-'lent constitution is our common duty 'and interest:' and, 10. On the 24th of March, 1784, his majesty, speaking of the powers entrusted to him by law, was pleased to say, 'I can have no other ob-'ject but to employ them for the only end 'for which they were given, the good of 'my people.'

3. "That under the government of this country, no such community of interest can have place, but in so far as the persons in whose hands the administration of public affairs is vested, are subject to the superintendence and control, or check of the representatives of the people; such representatives speaking and acting in conformity to the sense of the people.

4. "That, according to established usage as evinced by speeches from the throne, and other public acts, the members of this House being in their collective capacity styled representatives of the people, and the powers exercised by them, being on no other ground recognized as constitutional: it is only in so far as they are really and substantially representatives of the people, that the powers so exercised by them are constitutionally exercised.

5. "That it is only in so far as the members of this House are in fact chosen, and from time to time removeable by the free suffrages of the great body of the people, that there can be any adequate assurance, that the acts done by them, are in conformity to the sense and wishes of the people; and, therefore, that they can in truth, and without abuse of words, be styled, or declared to be representatives of the people.

6. "That no member of this House can, otherwise than by a notorious fiction, be styled a representative of any part of the people, other than of the part composed of such individuals, as have or might have voted on his election. And, that, by the general appellation of representatives of the people, is, and ought to be understood, representatives of the whole body of the people.

7. "That the sense of the whole body of the people cannot be adequately conformed to, by their representatives, except in so far as the suffrage of each person in the choice of his representative has a force and effect, as equal as may be, to that of the suffrage of every other person. And that such equality of force and effect can not have place, except in so far as in the case of each representative, the number of persons possessing the right of voting on his election, is (as far as local circumstances will permit) the same as in the case of every other.

8.—"That on the occasion of electing a representative of the people, no man's suffrage can with truth be said to be free, except in so far as in the delivery of it, he stands unexposed to the hope of eventual good, or the fear of eventual evil to himself, and his connexions, from the power or influence of every other individual on account of his suffrage.

9.—"That the advantage and necessity of comprehensive, equal and free suffrage, has been recognized in divers speeches from the throne; and that in particular, 1. In a speech delivered on the 8th of April 1614, his majesty king James the 1st, after saying, 'But most I desire to 'meet with you when I might ask you no-'thing but that we might confer together 'freely,' was pleased to add, 'and I may 'hear out of every corner of my kingdom, 'the complaint of my subjects; and I will 'deliver you my advice and assistance, and 'we will consult only *de republica*; so shall 'the world see I love to join with my sub-'jects, and this will breed love, as acquaint-'ance doth amongst honest men, and the 'contrary amongst knaves:' and, 2. On the 26th of March 1620, his said majesty king James the 1st, after speaking of certain abuses in the shape of monopoly, of which he says he knew not till discovered by parliament, was pleased to add, 'nor 'could so well be discovered otherwise in 'regard of the representative body of the 'people which comes from all parts of the 'country:' and, 3. On the 12th of Fe-

bruary 1623, his said majesty king James the 1st was pleased to say, 'I hope to 'God I shall clearly see that you are the 'true representative body of my subjects; 'therefore be you true glasses and mirrors 'of their faces, and be sure you yield the 'true reflections and representations you 'ought to do; and this doing, I hope you 'shall not only find the blessing of God, 'but shall also, by these actions, procure 'the thanks and love of my whole people, 'for being such true and faithful glasses:' and, 4. In a speech delivered on the 14th of April 1640, by the Lord Keeper, by the command and in the presence of his majesty king Charles the 1st, his said majesty was pleased to say, 'By you as a 'select choice and abstract, the whole king-'dom is presented to his majesty's royal 'view: all of you, not only the prelates, 'nobles, and grandees; but in your persons 'that are of the House of Commons, every 'one, even the meanest of his majesty's 'subjects are graciously allowed to parti-'cipate and share in the honour of those 'counsels that concern the great and 'weighty affairs of the king and kingdom; 'you come all armed with the votes and 'suffrages of the whole nation:' and, 5. In a speech delivered on the 19th of March 1761, his present majesty was pleased to say, 'I do with entire confidence rely on 'the good dispositions of my faithful sub-'jects, in the choice of their representa-'tives: and I make no doubt but they will 'thereby demonstrate the sincerity of their 'assurances which have been so cordially 'and universally given me in the loyal, af-'fectionate, and unanimous addresses of my 'people.'

10.—"That the sense of the people can never be truly represented and conformed to by their representatives, otherwise than in so far as those representatives are dependent upon the wishes of their constituents for their continuance in their situation as representatives; such wishes of the constituents being expressed by their suffrages, freely delivered as above.

11.—"That though to give this dependence the greatest perfection of which, without regard to other objects it might be susceptible, would require that at all times it should be in the power of every electoral body to remove its representative in the same manner that it is in the power of every individual, who has granted to another a power of attorney, to revoke the same; yet forasmuch as in such a state of things, the people, instead of deputing representatives to manage their public concerns, would be in their own persons engaged in the superintendance or management thereof, to the prejudice of the business of private life; hence it becomes necessary that this same power of removal should not have place otherwise than at certain stated and more or less distant periods.

12.—"That for as much as the dependence of the representatives upon their constituents will be the greater, the shorter the term is, during which they are exempt from removal; and as no inconvenience can be apprehended from one election at the least taking place in every year; and as it appears by divers statutes, and long continued practice in obedience thereto, that the principle of at least annual elections is conformable to the ancient laws and practice of this realm; it is therefore expedient that the people should be enabled to remove their representatives, and, if necessary, repair the misfortune of having made an improper choice, at least once in every year.

13.—"That the sense of the people, considered as the standard to which the sense of their rulers ought to conform, is, not the sense entertained by the people in any past period of time, and which may have undergone subsequent change, but, on the contrary, is the sense of the people taken in its freshest state; and that this truth has been repeatedly recognised in speeches delivered from the throne, by his late majesty king George the 2nd, and by his present majesty; and particularly, 1. In a speech delivered on the 21st of April, 1741, his said late majesty, after saying, 'I will accordingly give the ne-'cessary orders for a new parliament,' was pleased to add, 'there is not any thing I 'set so high a value upon as the love and 'affection of my people, in which I have so 'entire a confidence, that it is with great 'satisfaction I see this opportunity put into 'their hands of giving me fresh proofs of it, in 'the choice of their representatives:' and, 2. On the 12th of November 1747, his said late majesty was pleased to say, 'One of 'my principal views in calling this parlia-'ment was, that I might receive the most 'clear and certain information of the sense 'of my people:' and, 3. On the 6th of November 1761, his present majesty was pleased to say, 'I am glad to have an op-'portunity of receiving the truest informa-'tion of the sense of my people by a new

'choice of their representatives:' and, 4. On the 8th of November, 1768, his majesty was pleased to say, 'The opportunity 'which the late general election gives me 'of knowing from their representatives in 'parliament, the more immediate sense of 'my people, makes me desirous, &c.' and, 5. On the first of November 1780, his majesty was pleased to say, 'It is with more 'than ordinary satisfaction that I meet you 'in parliament at a time when the late 'elections may afford me an opportunity 'of receiving the most certain information 'of the disposition and the wishes of my 'people, to which I am always inclined to 'pay the utmost attention and regard:' and, 6. On the 24th of March, 1784, after mentioning the then situation of the country, his majesty was pleased to say, 'I feel it 'a duty I owe to the constitution and to 'the country, in such a situation to recur 'as speedily as possible to the sense of my 'people by calling a new parliament.'

14.—"That by the words 'Sense,' 'Disposition,' and 'wishes' of the people, employed in the said speeches, nothing less than the sense, disposition, and wishes of the whole body of the people can with propriety be understood; for as much as if it be the interest and duty of his majesty to collect and attend to the sense, disposition, and wishes of any one part of his people, it cannot be so in any less degree in regard to any other part.

15.—"That except by petitions, and even by those means, no otherwise than occasionally and partially, and therefore inadequately, the sense, disposition, and wishes of the people can be conveyed to his majesty in no other manner than by the choice made by them of persons to sit and serve in this House in the character of representatives; and, that except in the said inadequate manner by petitions those who have no part in the choice of representatives, cannot at any time make known to his majesty, the part which their sense, disposition, and wishes, has in the sense, disposition, and wishes of the whole body of the people.

16.—"That for as much as no power lodged in the hands of constituents can create or maintain the due dependence of their representatives, unless the good or evil which may be produced by the exercise of such power, be at all times in the expectation of the representatives greater than any that can be made to accrue to them by any other person or persons whose interest or supposed interest it may be to engage them in a violation of their trust; it is therefore necessary, that by all practicable means every representative of the people be rendered as completely exempt as possible from every such external influence.

17.—"That the offices, commissions, and emoluments, the power, rank, dignities, and other advantages, which are at the disposal of the Crown, constitute so many instruments of temptation, by which the members of this House are exposed to be seduced from their duty, and induced to sacrifice the general interest of the people, to the particular interest, or supposed interest of the Crown, its servants, and their adherents.

18.—"That as this House is now constituted, a large proportion of the members thereof obtain their seats by the appointment or favour of particular individuals without being elected, or at least without being freely elected by any part of the people; and that such members are continually exposed to be seduced from their duty, and induced to sacrifice the general interest of the people, to their particular interests of their respective patrons.

19.—"That forasmuch as the influence of the Crown cannot be exercised and made productive of its natural effect, without counteracting and overpowering the influence of the people in the breasts of the members of this House, so as to engage them to make continual sacrifice of the interest of the people to the separate interests of the servants of the Crown and their adherents; such influence may with truth and propriety, be termed a sinister influence.

20.—"That parliamentary patronage not only prevents or interrupts comprehensive, free and equal suffrage, whereby alone the sense of the people can be made known, but operates on the one hand as a perpetual inducement to the servants of the Crown to favour the individuals who are possessed thereof, at the expense and to the prejudice of the people; and on the other hand as a perpetual temptation to those individuals to maintain and increase the influence of the Crown, from which they may expect to derive benefit for themselves and their connexions.

21.—"That by a resolution passed on the 6th of April 1780, it was declared by this House, 'that the influence of the 'Crown had increased, was increasing and 'ought to be dimnished.'

22.—"That since that time the influ-

ence of the Crown has been greatly increased, on the one hand by the increase of the public debt in respect of the taxes raised for paying the interest thereof, and the profitable patronage and power exercised in relation to the several offices and commissions necessary for the collection of those taxes: and on the other hand by the increase of the standing army, in respect of the patronage and power exercised in relation to the offices and commissions thereunto belonging, and the means of employing that same power to stifle the voice and destroy the liberties of the people.

23.—"That forasmuch as no adequate diminution of the influence of the Crown can now be effected, the only resource which remains is to correct this influence by a counterforce consisting of the influence of the people.

24.—"That this House taking into consideration the gracious intentions so often expressed by his majesty, particularly calls to mind the speech delivered on the 5th of December, 1782, in which his majesty, speaking to both Houses of Parliament, and after declaring it to be the fixed object of his heart to make the general good, and true spirit of the constitution, the invariable rule of his conduct, was pleased to say, "To insure the 'full advantage of a government conducted on such principles depends on your temper, your wisdom, your disinterestedness 'collectively and individually,—my people 'expect those qualifications of you, and I 'call for them:'—and again, the speech delivered on the 19th of May, 1784, in which his majesty was pleased to say, 'You will find me always desirous to concur with you in such measures as may be of 'lasting benefit to my people,—I have no 'wish but to consult their prosperity': and again the speech delivered on the 25th of January, 1785, in which his majesty was pleased to say, 'You may at all times 'depend on my hearty concurrence in 'every measure which can tend to alleviate our national burthens, to secure the 'true principles of the constitution, and to 'promote the general welfare of my people.

25.—"That this House taking also into consideration the gracious disposition of his royal highness the Prince Regent, assures itself with the fullest confidence, that his Royal Highness, acting in the name and on the behalf of his majesty will be pleased to vouchsafe his sanction to all such measures as may be necessary for placing the influence of his majesty's people in this House on a firm and unalterable footing.

26.—"That therefore this House proceeding on the principles above declared, is resolved to make one great sacrifice of all separate and particular interests, and to proceed to establish a comprehensive and consistent plan of reform; in virtue whereof, the whole people of the United Kingdom, may be fairly and truly represented in this House; and, in order to that end, this House does hereby declare:—

I.—That it is expedient and necessary to admit to a participation in the election suffrage, all such persons as being of the male sex, of mature age, and of sound mind, shall, during a determinate time antecedent to the day of election, have been resident either as house-holders or inmates within the district or place in which they are called upon to vote.

II.—That the territory of Great Britain and Ireland taken together ought to be divided into 658 election districts, as nearly equal to each other in population as consistently with local convenience they may be: and, that each such election district ought to return one representative and no more.

III.—That for the prevention of unnecessary delay, vexation, and expense, as well as of fraud, violence, disorder, and void elections, the election in each district ought to be begun and ended on the same day, and that day ought to be the same for all the districts; and that for this purpose not only the proof of title, but also every operation requiring more time than is necessary for the delivery of the vote, ought to be accomplished on some day, or days, antecedent to the day of election, and that the title to a vote should be the same for every elector, and so simple as not to be subject to dispute.

IV.—That for the more effectually securing the attainment of the above objects the election districts ought to be sub-divided into sub-districts, for the reception of votes, in such number and situations as local convenience may require.

V.—That for securing the freedom of election the mode of voting ought to be by ballot.

VI.—That for the more effectually securing the unity of will and opinion, as between the people and their representa-

tives, a fresh election of the members of this House ought to take place, once in every year at the least; saving to the Crown its prerogative of dissolving parliaments at any time, and thereupon after the necessary interval, summoning a fresh parliament."

The first Resolution being put,

Lord *Cochrane* seconded the motion. In what he had to say, he did not presume to think that he could add to the able arguments of his hon. friend, but he thought it his duty distinctly to declare his opinions on the subject. When he recollected all the proceedings of that House, and more especially, when he recollected the recent rejection of the motion for the repeal of the Septennial act, he confessed that he did not entertain much hope of a favourable result to the present motion; and he considered it as beneficial, principally as an exhibition of sound principles, and as showing the people for what they ought to petition. He would, perhaps, be told, it was unparliamentary to say that there were any representatives of the people in that House who had sold themselves to the purposes and views of any set of men in power; but the history of the degenerate senate of that once free people the Romans, would serve to show how far corruption might make inroads upon public virtue or patriotism. The tyranny inflicted on the Roman people, and mankind generally, under the shape of acts of the Roman senate, would ever prove a useful memento to nations which had any freedom to lose. It was not for him to prophecy when our case would be assimilated to theirs; but this he would say, that those who were the slaves to a despotic monarch, were far less reprehensible for their actions, than those who voluntarily sold themselves, when they had the means of remaining free. He gave his general and unequivocal assent to the resolutions proposed by his hon. friend. They were, in his opinion, such as the House ought to receive and agree to. And here, as probably it might be the last time he should ever have the honour of addressing the House on any subject—[Here the noble lord was so overpowered by his feelings as not to be able to proceed for some seconds.]—As this, he continued, might be the last time he should have the honour of addressing the House, he was anxious to state to them what his opinions were of their conduct. It was now nearly eleven years since he had had the honour of a seat in the House, and since then there had been very few acts of theirs in which he could agree with the opinions of the majority. To say that these acts were contrary to justice would not be parliamentary. He would not even go into the inquiry whether they tended to the national good or not; but he would merely appeal to the feelings of the landholders present—he would appeal to the knowledge of those members who were engaged in commerce, and ask them, whether the acts of the legislative body had not been of a description, during the late war, that would, if not for the timely intervention of the use of machinery, have sent this nation to total ruin? The country was burthened to a degree which, but for that intervention, it would have been impossible for the people to bear. The cause of these measures having such an effect upon the country, had been examined, and gone into by his hon. colleague. They were to be traced to that patronage and influence which a number of powerful individuals possessed over the nomination of a great proportion of the members of that House; a power which, devolving on a few, became thereby the more liable to be affected by the influence of the Crown; and which had, in fact, been rendered almost entirely subservient to that influence. To reform the abuses which arose out of this system was the object of his hon. friend's motion. He would not, he could not anticipate the success of that motion; but he would say, as had been before said by the great Chatham, the father of Mr. Pitt, that if the House did not reform itself from within, it would be reformed with a vengeance from without. The people would take the subject up, and a reform would take place which would make many members regret their apathy in refusing that reform which might be rendered efficient and permanent. But unfortunately, in the present formation of the House, it appeared to him, that from within no reform could be expected; and for the truth of this he appealed to the experience of the nearly 100 members who were then present, nearly 600 being absent; he appealed to their experience, whether they ever knew of any one instance where any petition of the people for reform was taken into consideration, or any redress afforded in consequence of such petition? This he regretted, because he foresaw the conse-

quence which would necessarily result from it. He did trust and hope that, before it was too late, some measures would be adopted for redressing the grievances of the people; for certain he was, that unless some measures were taken to stop those feelings which the people entertained towards that House, and to restore their confidence in it, they would one day have ample cause to repent the line of conduct they had pursued. Those gentlemen who now sat on the benches opposite with such triumphant feelings, would one day repent their conduct. The commotions to which that conduct would inevitably give rise would shake not only that House, but the whole government and frame of society to its foundations. He had been actuated by a wish to prevent this, and he had had no other intention. He would not trespass longer on their time. The situation which he had held for eleven years in that House, he owed to the favour of the electors of Westminster. The feelings of his heart were gratified by the manner in which they had acted towards him. [Here the noble lord spoke with great agitation, and the House seemed to sympathise with his feelings]. They had rescued him from a desperate and wicked conspiracy, which had nearly involved him in total ruin. He forgave those who had so done, and he hoped when they went to their graves they would be equally able to forgive themselves. All this was foreign to the subject before the House—but he trusted they would forgive him—[Hear, hear!]. He would not trespass upon their time longer now—perhaps never again on any subject. He hoped that his majesty's ministers would take into their serious consideration what he had now said. He did not utter it with any feelings of hostility. Such feelings had now left him; but he trusted they would take his warning, and save the country, by abandoning the present system before it was too late.

Mr. *Brougham** said, that though it was far from his intentions to support the motion of his honourable friend, he could not withhold his tribute to the merits of the very learned and able speech with which he had introduced his resolutions. But, differing, as he did, from his honourable friend, and being most averse to that universal suffrage—that disconnexion of franchise and property which was the object of these resolutions, he was anxious to state a few of the reasons on which that aversion was founded. He was anxious to state also, that he felt no manner of disrespect towards those persons—in that House, where they were few in numbers, and out of doors, where they were numerous—who, he knew, conscientiously entertained the same opinions with his honourable friend. Far be it from him to view with levity, or to treat with ridicule, opinions which were conscientiously held by a great body of people in this country. He considered the people who entertained these opinions to be misled; he believed them to have been misled, partly from not having duly weighed and thoroughly sifted the question, and partly by the writings and speeches of those who had also not weighed and sifted the question with a due degree of attention. But to neither the one nor the other did he impute any but the most upright motives, though he differed from them in their conclusions; and he claimed from them the same degree of charity which he was so willing to extend to them. And he made a claim on the candour of the worthy baronet in particular with the more confidence to extend to him this charity; for, if he was not deceived, the worthy baronet's own conversion to the doctrine of universal suffrage, at least in the degree in which he had now avowed it, was but of recent date [Here sir F. Burdett intimated his dissent]. He begged his hon. friend's pardon, but he had understood so much from a noble friend of his, who was friendly to moderate reform; that this was the first time on which his hon. friend had advocated universal suffrage, and that he had formerly protested against it; and certainly his own recollection rather favoured that opinion. But however that might be, he needed only to appeal to the candour of his honourable friend (though he had not the claim on him now of hold-

* As the Speech of Mr. Brougham on this occasion was deemed of peculiar importance in a party view, and with respect to the line taken by the Whigs on the question of Parliamentary Reform, it was hoped he might have been able to print a corrected account of it. But we understand that it was made unexpectedly, without any previous intention of speaking having been entertained by him; so that he could not comply with the wish generally expressed.

ing those opinions which his honourable friend himself once held) to be assured of a liberal construction of his conduct; he should still claim his indulgence for the difference of opinion which existed on this subject between them—an indulgence which, on his part, he freely granted to the hon. baronet, and to those who believed with him.

One of his principal objects in rising was, that it might not be supposed because he was hostile to that mode of reform which the hon. baronet proposed, that he was therefore averse to the general principle of reform altogether. Nothing was more erroneous than to suppose, that because a man refused to support the one he must therefore be adverse to the other. He professed himself to be an advocate for reform, but it was, though in his opinion an efficient, yet a moderate one, when compared with the plan which the House had just heard. While he entered this protest against the conclusions of his honourable friend, he agreed with him in opinion respecting the conduct of those who treated with contempt every kind of reform, merely because it was reform. If he had to deal with those people, he would only appeal to the conduct of parliament itself, particularly during the last 20 years. Those who argued that all reform whatever would lead to the destruction of the constitution, they who professed themselves such enemies to the very name of reform—had been, in practice, in parliament itself the greatest of all reformers. They or their colleagues in Ireland, had altered the qualifications of electors, had changed the elective franchise—they had let in one class of electors to-day, and they had let in another class to-morrow. They had proceeded through a long course of changes all eminently entitled to the name of parliamentary reform, and had only stopped when they terminated their career by a parliamentary revolution—the annihilation of the parliament of Ireland by the union of the two kingdoms—a measure for which he was cordially thankful; although he could not approve of the means by which it had been effected; for that measure had been, perhaps, more beneficial to the empire than all the more baneful acts of the individuals by whom it had been accomplished, had been injurious to it. Still, though this was a measure most beneficial to the country—for he was convinced that no measure was ever fraught with more advantage to both islands, or tended more to their mutual strength and prosperity,—it was impossible to deny that it was one of the greatest changes in the internal policy and parliamentary constitution of this country which had taken place since the constitution had assumed its present shape. He, therefore, protested against considering all reform as a dangerous innovation, in the sense of a revolution, which put in jeopardy the best interests of the country.

He came now to make a few remarks on the train of argument by which his honourable friend had supported this motion. If he came into the House with his mind prejudiced against the question, those arguments which he had heard in support of it had certainly not removed his prepossessions. He had often heard his hon. friend argue most conclusively, but he begged to be allowed to say, without any disrespect, that never were arguments more inconclusive than those which had been used by his hon. friend on the present occasion. The hon. baronet, in his elaborately reasoned resolutions, had confined himself to one species of authority, not founded on the Statute Book—not derived from Magna Charta—which did not rest on the dicta of any of the judges, or on the resolutions of this or the other branch of the legislature, or even on the learned treatises which his hon. friend had so often referred to, such as Mr. Prynne's and others, but a species of authority, which ranked in his estimation lower than the least, the speeches from the throne, from the reign of James 1st, that model of a constitutional monarch, down to the very happy, or at least the very long reign of his present majesty. With the omission of George 1st, his hon. friend had shown that all those princes had recommended certain principles. The first of these was so self-evident, that it recommended itself, and he would even admit the king's speeches as an authority for it, low as he rated that species of authority. That proposition was, that no adequate security for good government could be obtained, but by means of, and in proportion to, the community of interest between the governors and governed. But this was a principle which no man ever doubted. If all their majesties, of happy memory, and all other royal personages had held their peace upon the subject, no one would ever have doubted the propriety and the necessity of having the interest of

the sovereign blended with that of his subjects, in order to insure the safety and prosperity of the state. The proposition was indeed self-evident, although some of those princes, whose speeches his honourable friend had quoted, had nevertheless cared but little for the happiness of the people. When they said, that the happiness of the people and their own were inseparably united, they did not sincerely believe it, but said so merely from courtesy. It was nothing but the language of courtesy to the people, when they were coming to them for a supply of money. But with respect to the propositions in favour of annual parliaments and universal suffrage, in attempting to support them by the authority of king's speeches, his honourable friend would allow him to say, that he had not acted with his usual candour, but had perverted a little those royal documents. Because it was said in a speech from the throne, that his majesty was happy to meet the representatives of the people in a new parliament, this, according to his honourable friend, was a proof that the king was a friend of frequent elections. It was marvellous, however, that the date of the new parliament should always be six or seven years after the date of the old. This showed that kings, if they really had such an ardent desire for frequent parliaments, indulged more temperately in that than they were supposed to do in many other of their inclinations. He was afraid that in taking this language as favourable to frequent parliaments, his hon. friend, in the language of the schools, had understood it *secundum modum recipientis*, according to the sense of the hearer, and not in the sense of those who uttered it. He was astonished that among all those speeches of princes, his hon. friend did not mention a much more remarkable document than any of them, the speech which lord Chatham put into the mouth of the present king on his accession to the throne, and which, in his mind, was worth all the authorities which he had brought forward. In that speech his majesty was made to say, that he was born a Briton, and that he should ever deem it his proudest satisfaction to be the first citizen of a free people. But all these speeches from the throne were neither more nor less than the composition of the king's ministers, and they were always viewed and treated as such by parliament. The addresses, which echoed back the tale, were never understood to pledge any member of that House to any particular vote upon the many questions that arose in the course of the session. A king's speech was usually known as a vague unmeaning general composition, in which as little as possible was to be said in a large number of civil and sounding phrases. Mr. Windham had once shown his opinion of such compositions when in alluding to a gentleman who had been much employed in preparing royal speeches, and who was himself one of the most skilful as well as eloquent of ministerial orators, he exclaimed, "I verily believe he could speak a king's speech off-hand."

His hon. friend had endeavoured to show that annual parliaments and universal suffrage were the ancient law of parliament, though he had admitted that it was not alone sufficient to prove their antiquity; and as he agreed with him that it was no argument in favour of universal suffrage or annual parliaments in the present day to show that universal suffrage and annual parliaments were formerly the law of the country, he should hold, therefore, that even were this so, the case still remained to be proved. The hon. baronet, however, said he adduced authorities to show that such was the ancient law of parliament, not with the view of proposing that this law should be revived, merely because it was ancient, but to show that it was not that visionary doctrine which it was said to be by the antagonists of that doctrine. He would admit, that if his honourable friend proved this, he would prove that the doctrine was not a novelty; but he denied that it followed, that the doctrine was not visionary; because it might still be one of the most visionary doctrines that ever entered into the brains of a projector, though annual parliaments and universal suffrages formerly were the ancient law, to introduce them at present, if they were not adapted to the present state of things. Suppose he proposed that they should return to the savage state, which was still more ancient—it was not indeed so old as the Creation, but it was very old—the Golden Age was still older. Suppose he proposed a return to domestic slavery, which was very ancient.—However, as this was a tender subject with many members, he would not touch on it. But, suppose he proposed a return to villainage, where 2-3rds if not half of the people were attached to the soil, this would not be

novel; but it would still be as visionary (he could not change the epithet) as that for which many persons now contended.

His hon. friend was fond of quoting Magna Charta; but he was rather unfortunate in the chapter from which he had made his quotation on this occasion; for the very second word of the passage carried in it a refutation of the doctrine it was cited to support. The words were "*Nullus liber homo capiatur*, &c." The first word *nullus*, he would admit proved nothing; but then came the second *liber*—it was not *nullus homo*, but the epithet "*liber*" was added to qualify and limit the expression, thereby to recall to his hon. friend's recollection, if he had forgotten it, that, in those pure times of the constitution, when the monarchy was in all its splendor, respected abroad as it was united at home, having recently emerged, by-the-by, from a seven-fold division—in the days when there were no rotten boroughs, no corrupt elections, no circumscribed suffrages, when parliaments were not merely annual, but when there were sometimes more than three of them in one year—in that golden age of the constitution (unless the lustre of the metal was impaired in its progress from the heptarchy to the period of Magna Charta), it appeared from this chapter of Magna Charta, that liberty was only allowed to those who had property in men, instead of being the property of men. Absurd, visionary, and even detestable, as a proposition to return to a state of slavery was, a very learned man, a great patriot, and one of the most ardent and sincere friends of liberty that ever lived—Mr. Fletcher, of Saltoun—had proposed, in that parliament, in which he was a constant and strenuous advocate for popular rights, as a relief for the state of mendicity which then existed in Scotland, that the people of that country should return to the Greek and Roman practice of domestic slavery. Mr. Fletcher supported his proposition by the same arguments which his hon. friend had used in support of his doctrine of universal suffrage, namely, that it was an old practice of the country. He did not mean that the hon. baronet was likely to make any proposition quite so extravagant, but it showed how chimerical his argument was.

But he was at issue with his honourable friend, not merely as to argument, but as to the fact. Admitting the fact, he had hitherto denied the inference; but now he denied the fact. He was certainly convinced of the naked fact, so far as it related to the mere duration of parliaments. The stream of authorities set directly in favour of those who maintained that the practice had been to assemble parliaments once a year—nay, that there were even instances of parliaments oftener than once a year. For his own part, he was an advocate for shortening the duration of parliaments—he was even much inclined to the opinion of those who were for limiting the duration of parliaments to the shortest term. But supposing he assented to this, he should hardly think it fair or reasonable, on the ground of there having been Saxon or Norman parliaments, which only lasted a few days, and that the usual practice in those times was annual parliaments, to maintain, that therefore it should be held, that annual parliaments were according to the strict letter of the constitution. For supposing he assented to the fact, on examination it would be found an authority more in name than in reality. At that time it was necessary to compel men to serve in parliament, and to indemnify them by wages. To what purpose, then, was all the useless lumber of learning connected with the subject brought forward? Parliament sat only a few days: no regular session had ever been held. They were called at the will of the prince for a few days to answer his purpose, but there was no defined time for their being continued together, nor any fixed period when their labours should terminate, and a new election be had. Upon a careful and attentive investigation of the subject, he was satisfied that although the practice was to elect annually, that it was not the law; and that there was nothing to prevent the same parliament from sitting more than one year, if the king had been so disposed.

With respect to universal suffrage, his hon. friend was a little more pressed for authorities. Here the royal orations failed him. Large and copious as that stream of authority had been when it only was brought to prove such generalities as that the ruler is interested in his people's happiness, it soon dwindled as the application to the present question became closer, and when the extension of the franchise was the point, it trickled an imperceptible rill. But he would venture to say, that the authority of the king's speeches with which he had garnished his resolutions, was not more flimsy than the quotations

from the old writs with which he had garnished his speech. He said, that the words "all freeholders summoned to the court, and others," could only be interpreted to mean all persons whatever. This was no great compliment to the precision of our ancestors, who, his hon. friend would have it, were more verbose and circumlocutory than the draughtsmen of bills in the present day. He here made them use eight doubtful words instead of one, respecting which there could have been no difficulty—eight equivalent words, instead of the single and simple word "all." The courts of law had laid it down as a maxim, that when in any law there was a particular description followed by a general term, the interpretation should be, not according to the general term, but according to the previous particular description. This was the opinion of Blackstone, whose authority in this respect, though unfortunately modern, had at least equal weight with the authority of the king's speeches quoted by his hon. friend.—The hon. baronet then went to the original language of parliamentary writs; and finding one word in three tongues, he pressed each version, with a synonyme in one of those tongues, as so many several arguments in his favour. But not one of the varieties carried him a single step beyond the ordinary English expression. The words 'plebs," "vulgus," "commonauté," and "commonalty," might be construed as the hon. baronet chose; but they left the question of universal suffrage just where they found it. "These terms," said his hon. friend, "surely comprehend all persons, and therefore universal suffrage was the ancient law." But had his hon. friend taken the word, "Commons," and argued that, because this was the House of Commons, it ought to be returned by universal suffrage, it would be as much to his purpose, although he could not avail himself of such an argument without begging the question, which he had certainly begged from the beginning to the end of his speech. It would, indeed, have been otherwise, if he had consulted his own learning, and been guided by his own ingenuity; had he listened to the suggestions of his own mind, rather than to the suggestions of others.

Another authority had been attempted to be brought to bear upon the question, one which he should value more than all royal authorities; it was the great and revered authority of Mr. Fox, whose loss he lamented on all occasions, but on none more than on the present, when the foundations of the constitution were the subject of discussion. If that illustrious person were present, no little man—the hon. baronet, and himself, and all of them were little men compared to Mr. Fox, therefore he could mean no disrespect—no little man could obtrude his own crude notions on such a subject. His hon. friend could not have ventured to make such a speech in Mr. Fox's hearing, and if he had, it would not have existed a single minute before he would have exposed its fallacy in a few sentences. He grieved that his authority had been brought forward as having once sanctioned what every one knew he had never acted upon. The hon. baronet inferred Mr. Fox's assent to the principle of universal suffrage, from the circumstance of his having put his name as chairman to certain resolutions. In the name of all chairmen of public meetings he protested against this doctrine. Every chairman, as matter of courtesy as well as duty, authenticated the resolutions of a meeting over which he presided, and by so doing only said, "I attest this to have been the sense of the meeting." Where was the hon. baronet's principle of holding a president responsible, to end? The Speaker, whom he addressed, was an instance. It might as well be said that he gave his assent to every bill which passed the House while he sat in the chair. Could it be supposed that he had considered and approved all the votes and resolutions, to which he necessarily signed his name? As well might it be said that he approved all he was doomed to hear, or that he never listened to speeches with weariness and desire of repose, as that he assented to all he signed.

This reminded him to hasten to a conclusion; but really he must say that so many errors and mistakes were to be found in his honourable friend's speech, that he could not help applying the old proverb, "he could not see the trees for the wood." His hon. friend, in arguing for universal suffrage, had protested against the inference that it would give rise to tumult and confusion; "for," said he, "look to Westminster, which is the only place in the country which chooses its members according to the constitution." He (Mr. Brougham) differed from those who thought that the complete tranquillity

of an election was an object so much to be desired, or that it was desirable that persons, instead of offering themselves to the constituents, should be sought out, and, as it were, compelled to serve. He, however, was one of those who tendered the tribute of their applause to the electors of Westminster for the motives of their conduct generally, in defeating the government influence and more especially for their humane and manly behaviour in the last election of the noble lord, after his expulsion from that House. He confined his praise, however, entirely to the motive which he believed influenced them in that proceeding, and which was their resentment at the infamous sentence, including the punishment of the pillory, which the court of King's Bench had passed upon him, and but for which sentence the noble lord would probably not have been re-elected. He dissented, however, from the Westminster doctrine, that the silent manner of election gave a greater security for collecting the popular will. One security it certainly was calculated to give —a security to some few electors who chose to monopolize the nomination of members, and could not better keep this operation in their own hands than by holding it out that all who proposed themselves were by that very act disqualified from being chosen. The hon. baronet, however, had made a double mistake in this part of the subject. He had appeared to assume as a fact, that in Westminster the principle of universal suffrage was established, and that no other place enjoyed the same advantage. Now he must deny both the one statement and the other. He denied that there was any thing like universal suffrage in Westminster, or that Westminster enjoyed any advantages which were not equally enjoyed by many other large constituent bodies. The elective franchise was confined in Westminster to inhabitant-householders, an extension of suffrage certainly producing 10,000 voters, a number which some might think erred as much in excess as that in Old Sarum did by its poverty, but to which he had no objection, and in which he saw no danger of turbulence, or those other evils generally apprehended from such causes.—The old established manner of election in all times was, that they should be attended with some bustle and even confusion. No harm ever came of such proceedings. They did much good to the constitution; they kept up popular spirit, and had salutary effects upon the minds of bad rulers. He, for one, had no desire to see the accustomed *fori strepitus* superseded by the flat and spiritless tameness of a vestry meeting, which the doctors of the new school had pronounced to be the perfection of election proceedings. Therefore he must take leave to say, that the advocates of annual elections with universal suffrage, chose an unlucky topic of defence when they rested it upon the tendency of their scheme to deprive electors of every thing animating, and interesting, and cheering—and to substitute for the zeal and enthusiasm which should attend the exercise of a high franchise by assembled freemen, the decorum and dulness of an academical sitting to discuss metaphysics, or a parish meeting to fix a rate. But, though he did not think that there were such dangers of tumult and confusion from universal suffrage as many apprehended, yet he thought the arguments adduced from the case of Westminster were rather defective, for it might well happen that householders should be tranquil in the place which was the seat of government, without its being certain that all persons elsewhere, householders or not, would be equally so.

He now came to the substance of the proposition made by the hon. baronet, and he should only observe on an inconsistency or two, as he did not wish to fatigue the House by going into the detail. The hon. baronet proposed that the suffrage should be extended to all, because no person could be consistently excluded from a share in framing the laws which he was called upon to obey. He admitted that in rigourous consistency this was true; but really in his desire for parliamentary reform he (Mr. Brougham) wished to have a line drawn somewhere. If the right of voting was extended to the payers of direct taxes, or to householders only, or to the voters proposed by Mr. Grey in 1797, a line was drawn, and a distinction made;—but the hon. baronet seemed to think that no line should be drawn, as it would have an appearance of inconsistency. "For instance," said the hon. baronet, "if a master tradesman has a right to vote, why should not a journeyman have an equal right; and if you allow it to him, why should not a labourer; why, in fact, should not all classes of persons be upon an equal footing in this essential respect?" If he even admitted this, he should turn round on his hon. friend and say, "you also draw

a line, but on a lower scale; you say all have an equal right to vote, and yet let me inquire on what grounds you exclude persons under 21 years of age?" Many great things had been done by persons under the age of 21. Many excellent orations had been delivered in that House by minors. A noble friend of his (lord Milton) made an admirable speech on the Slave trade before he had reached that age. Sir Isaac Newton had before that period of life made some of his most brilliant discoveries in the mathematics. Mr. Fox had in that House signalised his powers — powers not falling into sudden decay, as too often happened after a premature disclosure, but sustaining by their ripeness all the brilliant promise of their first expansion — before he arrived at such an age as qualified a man to vote, according to the hon. baronet's doctrine. Numberless individuals under twenty-one years of age had devoted their lives and their fortunes to the country's service, and yet the honourable baronet, who did not wish to make any distinction, lest he should be charged with inconsistency, would, by his motion, exclude a set of persons whom he knew to be equally deserving of liberty with the rest of mankind. And yet only let the House mark how marvellously inconsistent he was all the while, in the application of his principles. For the wit of man could devise no reason for universal suffrage according to the hon. baronet's construction of the word, except the supposed injustice of depriving any man who supported the state by his purse or his person of his share in choosing those who should tax and govern him.

When he considered this point, arguments poured in upon him from all points of the compass in such a manner that he found it difficult to select from them. He could not, however, overlook the injustice which his hon. friend was about to do to so many persons of great importance though of tender years. The hon. baronet said, that all who supported the country had a right to a share of its freedom, but these infants contributed by their purse and defended by their persons the liberties of the country, and yet the hon. baronet had the cruelty to deprive them of any share of the blessings which he was about to bestow on all other classes of society. Though of much service to the state, they were to have no power to oppose a tax or a standing army, though they were to pay for both, and were occasionally also liable to serve compulsorily in the latter. By this limitation to persons above the age of 21, an irreparable injustice would thus be done to all the infants of the nation. Why, too, was another large class to be excluded, amiable in their dispositions, of quick faculties, of lively perceptions, and who, though sometimes apt to pervert the benefits of an education but lately extended to them, and like many theorists prone to judge rashly on matters of which they knew little, to fancy because they knew more than they used to do, that they knew every thing, and to conclude that no one else knew anything, yet could not be declared unfit for the elective franchise in the state of which they were in every respect the ornament, and in one sense the prop—he meant females. From this charge of inconsistency there was one great authority who was exempt—he meant Mr. Bentham. He had the greatest respect for that gentleman. There existed not a more honest or ingenuous mind than he possessed. He knew no man who had passed a more honourable and useful life. Removed from the turmoil of active life, voluntarily abandoning both the emoluments and the power which it held out to dazzle ambitious and worldly minds; he had passed his days in the investigation of the most important truths, and had reached a truly venerable, although he hoped not an extreme old age. To him he meant not to impute either inadequate information, or insufficient industry, or defective sagacity. But he hoped he should not be deemed disrespectful towards Mr. Bentham if he said that his plan of parliamentary reform showed that he had dealt more with books than with men. He agreed with his hon. friend, the member for Arundel (Sir S. Romilly), who looked up to Mr. Bentham with the almost filial reverence of a pupil for his tutor, in wishing that he had never written that work. But Mr. Bentham was a real advocate for universal suffrage. He was a far more sturdy, an infinitely more consistent reformer than the hon. baronet, as he gave votes not only to all men, but to all women also. He drew no line at all; he weighed not with practical nicety the claims of different classes; he recollected that his principle was *universal;* he tossed away the rule and the scale altogether, and without restriction, let in all—young or old, men or women, sane or insane, all must vote—all must have a voice in elect-

ing their representatives. He did not even sanction the exceptions which the hon. baronet seemed inclined to admit with respect to persons of an unsound mind. The veteran reformer (major Cartwright) had lately favoured the world with a plan of suffrage, illustrated by plates, where balloting boxes, ball trays, stands, &c. &c. in most accurate array, met the eager gaze of the much edified inquirer. Now Mr. Bentham was the patron of the ballot, and his doctrine was, that all who can ballot may enjoy the elective franchise. The moment a person of either sex was able to put a pellet into a box, no matter whether he were insane, and had one of the keepers of a mad-house to guide him, still Mr. Bentham said, that though he did not support the utility of allowing idiots or mad persons to vote, for their own sakes, yet, rather than make any distinction, he would allow them, as they could not do any harm, and the unbending consistency might do some good. Mr. Bentham had such an invincible objection to lines of every description, that he could not admit of one being drawn even at the gates of Bedlam. It was not necessary for him to controvert doctrines of this nature, but they were certainly consistent with each other, and he did not think himself uncharitable in saying that some of the principles promulgated in that House were nearly as chimerical and visionary, without being at all consistent.

He had forgot to mention, in reference to the authority of Mr. Fox on this subject, a saying of the late Mr. Burke, who, when he saw the name of Mr. Fox signed as chairman to the resolutions of the Westminster meeting already alluded to, observed to him, in jest (so well known was it that Mr. Fox did not favour those sentiments), "I see, at last, you have got to universal suffrage, and annual parliaments, but you will soon be beat by the *oft'ner-if-need-be-ans*," alluding to the words, "once a year or oftener if need be," in the statute of Edward 3rd, so much cited by the radical gentlemen. It was melancholy to know the serious truth which this pleasantry implied, that the only result of yielding to the desire of conciliating popular favour, by proposing measures which discretion did not approve, was that many would be ready to outbid for that applause by still more extravagant concessions, and the highest bidder would be not the most honest and the most enlightened, but the most servile and submissive, the most mad or dishonest. He agreed with the great man to whom he had just adverted, that it was necessary to make a stand against such wild and chimerical notions; it was the duty of parliament to expose and reprobate them—to try them by its own better judgment—and to exercise with regard to them its own honest and enlightened conscience. To despise popular opinion was a short-sighted policy, even if it were justifiable in point of duty. The sentiments, the desires of the people deserved every degree of respectful attention from their representatives; but the legislative must exercise its own judgment; and to abandon that was a gross folly, a greater breach of duty, than even the most entire disregard of the public voice. This abdication of their proper functions was, however, incomparably more criminal if done with a view to court popular favour at the expense of sincere and deliberate conviction; it was also beyond all question a still more short-sighted delusion to fancy that such a base stratagem could succeed. The adoption of universal suffrage might for a moment lift one unworthy or obscure individual to popularity; another less scrupulous or more consistent would soon rise over his head by admitting persons under one-and-twenty,* or paupers, or women, or lunatics. The prize when thus put up to be bid for, would next be sought by adopting the ballot—yet all would not do; the "*oft'ner-if-need-be-ans*" would still start up and carry the day—their existence was eternal; there was no pitch too high, no base note too low for them; they knew of no obstacle, hardly of any difficulty; their only rule in the competition was, to go beyond the last man who had offered; and as the degrees of human folly are infinite in all directions, this unworthy rivalry in pandering for the vices or the craziness of the multitude had no limits.

He turned away from it with disgust, and not without some compassion for such as had engaged in it. For of this he was well assured, that when popularity was thus sought after, it lost all the lustre which made it so precious a possession to honourable minds. When it was to be bid for, not in the sterling coin of pure

* A few days after this, Mr. Hunt made affidavit, that the age of 18 was the true term.

conduct, enlightened views, statesmanlike accomplishments, which few men held a large stock of—but in the base dross of subverviency and compliance, and pre-ence and cant, which every one might have without stint, and the most unprincipled alone would use—then the people were degraded by being so courted and their favour became a worthless, nay a debasing enjoyment; a boon as fleeting as it was vile. If his own opinions had at all changed on the important subject of this debate, it was at least to be ascribed to no personal interest, for the differences which prevailed between him and the dispensers of power were too wide and too radical to leave any possibility that his approach to it could be at all facilitated by this partial surrender of an opinion which he once entertained. He was still an advocate for parliamentary reform to far too great an extent to make what he had given up of any consequence. Projects of ambition he could not, then, well be accused of in avowing the inconsiderable change which his sentiments had undergone. That darling popularity which he was so often charged with seeking, he could as little be supposed to effect, by thus declaring his honest conviction. He now, though he did not strongly object to annual parliaments, was of opinion that triennial ones would be preferable, and he was disposed to think that an extension of the right of suffrage to all payers of direct taxes was too large. This opinion was formed conscientiously, and not without laborious investigation. His reasons for preferring a more limited franchise and for choosing another principle of limitation, he had already glanced at. They were drawn from a conviction that the inclusion of persons paying direct taxes and the exclusion of those who paid indirect imposts, was liable to the charge of inconsistency in principle; that consequences, absurd in reasoning, and dangerous in practice would result from making the franchises depend on any particular mode of contribution to the public revenue; and that a better method of fixing the qualification might be obtained from the amount and kind of property possessed. But he again desired it to be understood, that although he might now prefer triennial parliaments, he by no means deemed the doctrine of annual elections so absurd in itself or so fatal to the constitution as by many they were represented; on the contrary, they were recommended by many considerations; and in what he had that night said of their ill-advised advocates, he only wished to show, that they had chosen the very worst and most untenable grounds of defence for them. As for universal suffrage, or the doctrine which severed the elective franchise altogether from property, he begged leave to observe that he never had at any time held it as less than the utter destruction of the constitution; he need not add that he had never given it the slightest countenance or support.

He should now conclude by referring to some of the hon. baronet's remarks on the scheme of government framed by our ancestors at the Revolution. Here the hon. baronet had not only exhausted his own ingenuity against that much hated, because Whig arrangement, but in the austerity of his criticism, had called in aid the observation of a late member for Yorkshire, who, in speaking of the Bill of Rights, had described it, in language drawn from the kind of place where his oration was delivered, as a bill of fare without a dinner. The hon. baronet regarded it as full of promise, but as attended with no performance. To him it appeared that the overthrow of an arbitrary government and a bigotted church was in itself a great good, and made an excellent and a substantial first part in the banquet of liberty. The patriots of that day, too, recorded their reasons for banishing James 2nd, with a view of deterring future kings from the repetition of similar enormities. They never, any more than their illustrious predecessors, who had hazarded their all for the sake of liberty, civil and religious, aimed at improving the constitution by indulging the senseless wishes of a multitude, after objects which, if they were to attain to-morrow, they would no longer consider of any value. Much they had done for their country; vast was the load of gratitude which we owed them, both the statesmen who brought about the Revolution, and the great, though sometimes mistaken, men, who had first turned the torrent of arbitrary power, and taught tyrants that resistance was a possible event, when it became a sacred duty. They had not pretended, however, to complete every thing at once; they were not of the school which will try nothing unless they can do all by a stroke of the pen—whose maxim is all or nothing—who strike out constitutions at a heat—the illustrious authors of the Revolution were

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satisfied to do speedily whatever was manifestly necessary and plainly safe. Caution required that something should be left to time, and they were modest enough to think that something might be done by the wisdom of after ages. Experience seemed to them of some value, and they wished to profit by frequent trials, and by feeling their way as they proceeded along. To create new systems in a hurry they deemed neither suited to the difficulty and magnitude of the work, nor to the limited nature of men. They knew well that man and nature, or rather its great parent, must proceed by very different steps; and that while the latter, according to lord Bacon's beautiful observation, engenders at once the whole plant, so that the rudiments of each part are to be formed in the germ, from whence the light, the air, the shower expands and educates the perfect vegetable; finite beings must be content to add things to each other, and go on by successive experiments, step by step, until through many trials and many failures they reach something approaching to the object of their wishes. The presumptuous ignorance; the rashness unchecked by information, which distinguished many in the present day, led to the expression of a vain contempt for men of better times, whose merits were far beyond the comprehensions that pretended to undervalue them. For his own part, he thought the great men alluded to had only increased their claims to the admiration and gratitude of all posterity, by resting satisfied with having placed the country in the sure road to improvement, and to the attainment of a pure constitution, instead of attempting things beyond the reach of human imperfection, and only to be dreamt of by the blindness of ignorant presumption. He had said so much in justice to those benefactors of their country; and he should conclude by pressing on the House a maxim to be gathered from their example—and which comprised his own creed upon reform generally—that the empiric who pretended at once to eradicate every evil in the system, and the flatterer who affected to believe that no change at all was wanting, were equally dangerous guides in state affairs, and that the one was as incapable of effecting a salutary reform as the other.

The above is an imperfect report of a speech, which was listened to by both sides of the House, with the deepest attention.

Mr. *Parnell* professed himself a step-by-step reformer, and thought some good might be attained by gradual measures, which could not be expected from one which excited so much opposition as that now before the House.

Mr. *Canning* said, that as there were many propositions in the Resolutions before them which he could not negative, he rose to move the order of the day, and in doing this he should say a few words, which he had been unwilling to offer immediately after the speech of the hon. and learned gentleman, from whom he differed in some points, but it was so gratifying to find such an ally, that he was sorry to manifest his contrariety of opinion. To more moderate propositions of reform this had been his objection, that if those plans were consented to they would be made the stepping stones to others, which they now pretty generally joined to deprecate and abhor. On so grave a subject it was not enough to look to details; he had a right to demand on what principle the proposition was founded. It began by assuming it as admitted, that the present system was faulty. There were two modes of reform—to bring back the constitution to its former principles, or to reconstruct it on new and improved principles. If it were meant to carry back the constitution to its condition in former times, he would say "name your period:"—if to re-construct it, "define your principle." But a naked proposition was presented to them, which assumed one or the other mode of reform, but which of the two they were not told. The hon. baronet had indeed, though he was not specific in his assertions, laboured to persuade them that the plan he proposed was accordant to the ancient constitution. In all that related to antiquarian research, he had been so admirably and so completely answered by the hon. and learned gentleman, that he (Mr. Canning) would not weaken the arguments by repetition. But he would say, that when the hon. baronet assumed that the constitution was now defective, it was incumbent on him to show at what period it had produced more good in effect. If this period could not be shown, they were set loose in the wide sea of theories; but before he ventured on that voyage, he would ask the question, whether the present system was not a good one? What interest was not actually as well as virtually represented in that House? What

body of men whose claims were not discussed with patience and attention, and with skill and knowledge, which he knew not what other process could collect? But it was said by the hon. baronet, that the will of the people did not always exercise direct influence on their deliberations. He admitted the fact, but he contended that government was not a matter of will; all plans for government, all the ties by which monarchy was fettered, all the contrivances by which democracy was brought to act in the constitution, were so many contrivances to prevent the daily, hourly, direct operation of will, upon matters which are subjects only for deliberation. If, to our misfortune, we had found a popular assembly existing under the direct control of the people, forced to obey its will, and liable to be dismissed by its authority, as the hon. baronet seemed to wish to see it, it would have been the duty of wise legislators to diminish that overbearing influence, and to substitute in its place a deliberative freedom. There had been another plan proposed in the present session, merely to shorten the duration of parliaments, which would indisputably aggravate all the evils which were now complained of, by giving the representative of close boroughs, or those sent by individuals, a still greater superiority in security, and consequently in power, over those who had to incur the trouble and expense of popular elections. The present plan of reform was a pretended revertence to the old constitution. He was grateful to the hon. baronet for having fairly stated his views;—for having at length brought under their notice in a tangible shape, a subject which had been much talked of, but the objects of which had not been fully defined until now. He apprehended no danger from the disclosure of any specific plan; that danger could only arise from vague declamations, and idle references to periods of history which afforded no points of comparison with the state of things in more modern times. The hon. baronet said, that the House did not now sufficiently represent the people. If this only meant, that the whole force and authority of the people was not vested in and exercised by that House, he admitted it. The constitution was a monarchy controlled by two houses of parliament; but if every 4,000 men in the country could point to their delegate, the organ of their will, and acting under their immediate control, he should be glad to know what room their would be for any other power in the state? If the House of Commons were the genuine, undoubted representatives of the popular will, and if that will, and not reason, were the proper rule of government, the King and Lords must necessarily be considered as nuisances and excrescences. They might tolerate the king for a time, but it would be, as had been said, by allowing him to be "the first citizen of a free people." The lords also might be tolerated, but not as part of the legislature. These were not the deductions of mere theory, but were proved to demonstration by that portion of our own eventful history, the year 1648. Let the House look at the last year of the reign of Charles the 1st, and they would find in their own Journals resolutions taken by the long parliament, and containing a correct exposition of the hon. baronet's theory. They would read that it was resolved, in that year,

"1. That the Commons of England in parliament assembled, declare that the people, under God, are the origin of all just government. 2. That the Commons of England, in parliament assembled, being chosen by and representing the nation, have the supreme power in these kingdoms."* They proceeded to vote that laws enacted by the Commons were therefore binding, though the consent of the Lords and the King were not had thereto—and they followed up their votes, at the distance of a few months, by voting the House of Lords useless, by dethroning the king, and leading him to the scaffold. In those votes of the House of Commons, admitting the principles of the hon. baronet, he defied any one to find a logical inconsistency; and they might take it as a warning how they admitted theoretical principles, from which they could not see the conclusions which might be drawn. Yet all plans of reform went on the assumption, not only that the present system was faulty, but that it was necessary to have such a representation as the long parliament declared itself to be. The reformers who proposed this were speaking of a pure democracy, not of a constitutional monarchy, under which (thank God!) we live—a monarchy limited by law, and controlled by a parliament, not trampled under foot by a House of Commons. The hon. baronet was entitled to thanks for bringing forward his

* Parl. History, Vol. III, p. 1257.

propositions in a tangible shape. It had been argued that such propositions could find no supporters in that House. Here, however, they were. And those who had wished to grant some smaller measures of reform, might judge how likely these proposals were to be put an end to by their concessions. Those who preferred this plan to the constitution as it existed, might support the object of their choice—those who thought with him, that it was not desirable to see this new experiment tried, and that the present system had been proved sufficient for our internal wants and external glory, would join with him in his vote. As he was far from wishing to negative the general truisms of the Resolutions, he should move the other order of the day.

Mr. *Lamb* said:—After the very full and ample discussion which this proposition has already received, I call it full and ample, although only two speeches have been delivered, and particularly after the powerful, impressive, and masterly argument of my hon. and learned friend, I am aware it must appear in me both superfluous and presumptuous to offer myself to the attention of the House;—more especially as having heretofore opposed myself to propositions of a more moderate description, it is almost needless for me to state that I intend to resist the motion of to-night. But, Sir, there are one or two topics, upon which I am anxious to say a few words, and the best atonement I can make for intruding myself unnecessarily upon your patience, is, to occupy as little time as possible.

I agree entirely with my hon. and learned friend, that there is nothing in the question of parliamentary reform, as it is called, which should, upon any general grounds, preclude enquiry and discussion, and I am anxious to state, that I consider the whole of this subject, the regulations as to who shall be the electors and who the elected, what shall be the right of voting, what the form and manner of election, to be matters as much open to amelioration and amendment as any other part of our laws and constitution —If an evil can be pointed out in the present system of representation—and I am far from denying that evil does exist in that system—and at the same time a remedy can be shown, which, soberly and coolly considered, is likely to remove the evil complained of, that remedy I am ready to adopt. The objection, which I have always felt to all the schemes of reformation of parliament which I have ever heard proposed, is, that in my opinion their tendency would be to aggravate, instead of diminishing, all the evils which at present exist, and to generate new vices, which at present have no place in the actual system of our representation. I also agree with my hon. and learned friend, that we ought to use no asperity of language nor cast any ridicule upon those within or without these walls, who honestly entertain those opinions, which have been to-night brought forward by the worthy baronet, in favour of annual parliaments and universal suffrage—at the same time, however, that such opinions are allowed that toleration and civility which almost all opinions may claim, we, however, may, I trust, be permitted to deplore and lament their existence. That they do exist to a certain extent, that they are sedulously inculcated into the minds and put into the mouths of the people, may be sufficiently collected from the petitions upon your table.—Those petitions I for one look upon with deep sorrow and regret.—I know very well that the abuse of a right injures the right itself, and I can see nothing in those petitions, nothing in their prayer, nothing in their style and manner, but what tends to bring the sacred right of petitioning into contempt and disregard. When I remember the quarters in which those petitions avowedly originate, and that those who openly promote them, are men of acknowledged good character and of gentlemanly manners and deportment, I cannot but wonder at the intemperance of language, by which these applications to the House are disgraced, and I must venture to ask, whether the advocates of parliamentary reform conceive that any cause can possibly be advanced by wanton and idle contumely, by vulgar and petulant insult? I would ask whether ever any claim which had real liberty for its object, whether any contest which has come to a successful termination, and which has been since stamped with the approbation of the virtuous and the wise, ever wore such a character in its outset, ever commenced in such a temper and in such a style? It is also, Sir, not a little derogatory and humiliating to reflect, that all this turmoil of petitioning, that all this demand of ancient legal rights, founded upon the reading of old statutes, upon research into writs, upon the interpretation of documents, is produced and

guided by an individual (major Cartwright), who, upon his own showing conceives *Brevia Parliamentaria* to signify *Short Parliaments*.* Now this is really so compleatly, so utterly absurd and ridiculous; this is such a specimen of the degree of information, of the accuracy of research, of the extent of knowledge, upon which these doctrines are founded, that nothing can possibly exceed or go beyond it. What may be the prevailing opinion out of doors upon this subject; what may be the judgment pronounced by the public, I am unable to say; but for myself, and for those who may agree with me, I do protest against being accused of deserting popular principles, of abandoning the cause of the people, and of opposing myself to the wishes and feelings of my fellow countrymen, because I am unwilling to comply with, or even to treat with much respect, petitions which come from such sources, which rest upon such authorities, and the main allegations of which are built and established upon such foundations.

A few words it was my intention to have said upon the two subjects, namely, Annual Parliaments and Universal Suffrage, to which the principal part of the worthy baronet's observations have been directed; but the latter topic has been so fully treated by my hon. and learned friend, that I shall not take up the time of the House upon it farther than to say, that it is in itself utterly incredible that it ever could have been the right and possession of the people of this country. It is so entirely discordant and at variance, so utterly alien from all the habits, manners, and institutions of the period, in which it is placed by the worthy baronet, that it may be safely affirmed, that it is impossible that it could then have existed. With regard to the boroughs, the letter of the charters which constitute them, designates for the most part, clearly to the exclusion of the whole body of persons residing within them, a particular description of persons, such as burgesses, or freemen, or inhabitants, to whom the right of voting shall belong; and with regard to the counties it is admitted, as it must be by the worthy baronet, that nothing of the nature of universal suffrage can have existed since the act of Henry the 6th, which established the qualification of a freehold, amounting to the yearly value of forty shillings. This act passed, I believe, in the year 1429; so that what we are asked to do by the motion of the worthy baronet is, to go back nearly four hundred years to search amidst ancient writs, records, and rolls of parliament, under the guidance of those who construe *brevia parliamentaria*, short parliaments, for a state of things which is fancied and conjectured to have then been in existence. It is, I am sure, unnecessary for me to say any more upon this point, but upon annual parliaments I am desirous of making a few remarks, because they form a question of somewhat more difficulty, and because even the speech of my hon. and learned friend has given more sanction, than they deserve, to some doctrines, which are abroad upon this part of the subject. In fact, there is here a more plausible appearance of a case, at least I am bound to think so, because I perceive that it misleads men of sounder minds and of better abilities; but it is no more than an appearance, which fades away and vanishes upon no very deep research, nor very laborious and close investigation. Parliaments, annually holden, never were the actual constitution of this country; never in practice the constitution. True it is, that they ought to have been so; true it is, that it was so enacted by the statute of Edward the 3rd (4 Edw. 3, c. 14); but this statute had the fate of all laws which only lay down a principle or establish a regulation, without providing any means, which shall resolve the principle into practice, or ensure the observation of the rule. This statute was disregarded almost as soon as it was enacted. It passed in the 4th year of Edward the 3rd, and in the face of its provisions no parliament was held either in the sixth or seventh year of the same king; and during the remainder of his reign there were, if I am correct, no less than twenty-one years without the calling or holding of a parliament. The reason of this is very clear, and perfectly well known. It was this, that in those days the crown enjoyed a very large revenue, entirely independant of parliament: it possessed a very large and extensive landed estate; it enjoyed great profits, as feudal superior; it had been in the habit of levying, whether legally or not, great custom duties, commonly called in the language of that day, tonnage and poundage; from these sources it administered the ordinary government of the country, and therefore it was unnecessary to call a parliament,

* See p. 629 of the present Volume.

except in cases of great necessity or extraordinary emergency; and this famous statute of Edward the 3rd was never therefore really carried into effect until the Revolution, when almost the whole independant revenue of the Crown having dropped from it at different times, first one portion and then another, the supplies necessary for the carrying on the government of the country came to be voted annually by parliament, and for that purpose it became necessary that parliament should annually meet. I am aware, Sir, that these common place details must be fatiguing and wearisome to the House; they are the mere elements and rudiments of the constitution, but they appear to me to be called for by the language and doctrines of a time, when theories and notions, founded upon ignorance and not upon knowledge, are so confidently put forward as the undoubted rights of the people, and the ancient constitution of the country.

So much for parliaments annually holden—but for parliaments annually chosen, they were never dreamt of in those days. The statute of Edward the 3rd never received such an interpretation, and that it never did, the best and most convincing proof is to be drawn from the 16th of Charles the 1st, c. 1, commonly called the Triennial bill—a statute which may afford to parliamentary reformers another salutary warning and admonition, drawn from the same times, to which my right hon. friend opposite (Mr. Canning) has already with the same view referred. It stands the first act of that parliament; the seventh act of the same session is that celebrated law, which taking from the Crown the power of adjourning, proroguing or dissolving, led to the overthrow of the monarchy and the establishment of a military despotism. This act, it must be recollected, was passed by those, who, though they were afterwards led or urged into culpable excesses, were men of very great talents, of as great talents as ever adorned this or any other country; above all, they were deeply learned in the laws and constitution of England; and how do they state in the preamble of this statute the law and usage upon this subject? They say, "whereas by the laws and statutes of this realm, the parliament ought to be *holden* at least once every year." Now, Sir, if they had thought that the statute of Edward the 3rd demanded an annual election, can it be conceived that they would not have stated and asserted that right, especially as it cannot be said of them, as it may of others in more ancient times, that they knew no difference between the holding and the electing a parliament, that every parliament was of course a new one, and involved the necessity of a fresh election, because they who lived in the reign of Charles the 1st, were well aware, that parliaments had been continually adjourned and prorogued from time to time. They knew very well that one of the parliaments of Edward the 6th had sat five, and one of Elizabeth's eleven years; but with this knowledge, what, after this preamble, do they proceed to enact? Do they provide for an annual election of parliament? No; they do not even provide for an annual meeting of parliament; they content themselves with securing that parliament shall not be intermitted for three years; they ordain, that if within three years from the last day of the last holden parliament the king shall not summon another, means shall be taken to call a parliament without his intervention, and they then proceed to enact, that if the king shall by prorogation or adjournment continue a parliament for more than three years, but without meeting then for dispatch of business, the same steps shall be taken as if no parliament were in existence at all. But does not this enactment distinctly recognise the power of proroguing, &c. in the Crown, and does the worthy baronet think that these men were not aware of the statute of Edward the 3rd? Does he conceive they did not understand it as well as he does? Does he suppose that if prorogations, &c. had been illegal and contrary to the statute law of the realm, they would have recognised and sanctioned them in this clear and indisputable manner? Upon the whole, Sir, I mean distinctly to state, that if we are to take the ancient constitution of the country for our guide,—if it is to the old laws, usages, and practices, we are called upon to revert, they will not lead us back to parliaments annually chosen or annually holden; they will lead us back to an independant revenue in the Crown, and to parliaments occasionally summoned according to the necessities of the Crown and the emergencies of the state. This was the ancient system of this country—a system which, during the intermission of parliament, left to the subject, in case of grievance or oppression, no redress except in the last and extreme recourse of resistance. All legal means

of complaint or remedy depended solely upon the accident of the Crown being reduced to the necessity of convening a parliament, a necessity which might be avoided by the frugality of a cautious sovereign, or broken through by the violence of an unscrupulous despot. As to the proposition of the worthy baronet, it is a romance, a fancy, a dream, which has as little foundation in precedent and example, as it has in sense and reason.

Sir, I have no doubt that the worthy baronet is sincere in the cause which he is pursuing. I have no doubt that he believes that his scheme is practicable, and that, if adopted, it would redound to his own honour and to the advantage of his country. There are, however, others, who hold these opinions, for whom I cannot say so much; because there are, amongst them, men of considerable abilities, men capable of long views and of deep designs, men of great political knowledge and of much practical experience, who observe the course of events and the progress of opinions; for such men I must say, that I want no other evidence of their insincerity, no stronger proof of their entertaining other and ulterior designs, than their profession and maintenance of these wild and idle, but popular opinions. They know them to be impracticable, as well as we do; but they are ready to use them as the means and instruments of battering the whole fabric of our government and society into a heap of ruins, over which they hope to climb into supreme power and unrestrained domination. That these notions are entirely wild and visionary, few will be prepared to dispute; but I beg leave to caution gentlemen against conceiving that their wildness and inconsistency in any degree divests them of a formidable and dangerous character. Amidst the many warning maxims which may be drawn from that great repository of woeful experience, the French revolution, we have it upon the authority of one,* who was himself deeply engaged, and who, I fear, cannot be excused from much of the guilt of those times, that he had observed, during the whole course of those convulsions, that invariably that which was most absurd and inconclusive in reasoning, led to every thing most ferocious, sanguinary, and horrible in action.

Mr. *W. Smith* said, he was a decided enemy to the plan of reform proposed, but he vindicated the views of the radical reformers, many of whom he believed to be conscientious and honest men. He observed, that the reasoning of the right hon. gentleman (Mr. Canning) would have precluded all reform, moral, religious, or political, and referred to the petition presented by Mr. Grey in 1793, as indisputably proving the necessity of a reform. He was glad that this subject had been again brought forward, because every new discussion was one more step to the attainment of reform; not indeed the reform proposed by the hon. baronet, but rational and discreet reform.

Sir *Francis Burdett*, in reply, complimented the right hon. gentleman (Mr. Canning) upon the openness and candour with which he had met the question. The right hon. gentleman had indeed been peculiarly unfortunate in referring, for historical illustration, to the early proceedings of the long parliament of Charles 1st, and seemed to have forgotten, that the arbitrary measures then adopted, were owing to the abandonment of the system which was now recommended. If parliaments had then been annual, the long parliament would never have existed, nor perhaps would any of the unhappy consequences have resulted, which the right hon. gentleman, equally with himself, deplored. However, the course taken by the right hon. gentleman was fair and open; he said that no evil existed, and of course no remedy was necessary; and the matter was at issue upon that ground, between the right hon. gentleman and the majority of the nation.

But however fair was the proceeding of the right hon. gentleman, the open and avowed enemy of reform, nothing could be more disingenuous and unfair, than the course pursued by the hon. and learned gentleman (Mr. Brougham), the professed friend of reform, whose eloquence might indeed be amusing, but was certainly very far from being convincing. His speech was a sort of salmagundi of sarcasm, panegyric, and verbosity, of exaggeration and misrepresentation, in which the words were more abundant than the ideas, the irony more conspicuous than the argument. It was a great mistake in the hon. and learned gentle-

* "C'est presque toujours ce qui étoit absurde, qui nous a conduits à ce qui étoit horrible." Memoires sur la Revolution, par D. J. Garat: Avertissement, p. 6.

man, to suppose that he (sir F.) had ever been otherwise than a defender of the principle of the most extended suffrage. It was true, that he had proposed and defended a more limited suffrage than he now offered to the consideration of the House. Convinced as he was, that a principle unyielding and unbending, that would hear no reason, or take into account the feelings of others, became thereby impracticable, however correct in argument, he had always been willing, as he still was, to stop short of the utmost extent to which the principle might be carried, but he was no new convert to the truth of the principle itself. The hon. and learned gentleman had also taken great pains to misrepresent the inferences which were drawn from the kings' Speeches, which formed part of the resolutions then under consideration. He had been either so dull in apprehension, or so expert in misstatement, as to infer that the kings' speeches were employed as legal authorities; whereas nothing could be more plain, than that they were introduced as confessions of a supposed adverse party, not likely to make too great concessions to the principles maintained. The hon. and learned gentleman, in disputing the sincerity of speeches from the throne, had represented the kings of England either as knaves or fools. If he made them out to be insincere, he would reflect discredit on the kings themselves, but not on the principles which they and their ministers thought it their interest to avow; and the hon. and learned gentleman ought to be aware, that it was the truth of the principles, and not the sincerity of the kings, which affected the present argument The hon. and learned gentleman had also commented on the words "*nullus liber homo*," in Magna Charta, and had contended, that because the word "*liber*" was there, the charter was of no avail to us in this question; and that to have been valuable to us in argument, the words ought to have been "*nullus homo.*" In fact, to us it was so; since at this time there were no villains, and the hon. and learned gentleman would not venture to say, that any man was not "*liber homo.*" Besides, the hon. and learned gentleman appeared to be entirely ignorant what the state of villanage was in this country. The villain was much nearer to the state of "*liber homo*," than the hon. and learned gentleman seemed to imagine: he was entitled to the protection of law; he had his article in Magna Charta; and nothing could be more idle than to represent him to have been in the condition of a West Indian slave. The present copyholder was his successor; and between the property of a copyholder and that of a freeholder, there was little more than a technical difference. But be this as it might, the hon. and learned gentleman would not contend, that at present there were any persons in the state of villianage; and therefore, if in ancient times every man, not a villain, was entitled to suffrage, it was not too much to say that every man now was. The hon. and learned gentleman, in his new zeal for whiggism, had bestowed great praise upon the Revolution, and even on the Septennial act. He forgot that all that was obtained at the Revolution was a declaration, which had proved altogether as inefficient as Magna Charta, and the subsequent act, for better securing the rights and liberties of the subject. The act of Settlement had provided, that England should be engaged in no war for foreign dominions; that all business, properly cognizable in the privy council, should be transacted there, and that all resolutions taken thereupon, should be signed by the persons who advised or consented to the same—that no foreigner should hold an office, civil or military—and that no placeman or pensioner should have a seat in this House. In spite of all this, we were now loaded with hundreds of millions of debt, incurred in contending not only for the foreign dominions of the king, but for the dominions of foreign kings—the business which was cognizable, and ought to be transacted in the privy council, which the constitution had provided for the security of the subject, was carried on covertly and irresponsibly by a junto, in an unconstitutional new-fangled cabinet, made on the model first framed by the atrocious contrivers of the sanguinary scenes of St. Bartholomew's day in France—Germans have had the command of English districts—and the House of Commons was notoriously crowded with placemen and pensioners. In short, all the wholesome provisions which had been made for the protection of the people, had been violated, set at nought, and buried in the corruption of a House of Commons, neglecting the voice, and not regarding the interests of the people.

The hon. and learned gentleman, whilst he professed himself friendly to reform,

had, at the same time, attempted to render ridiculous the ablest advocate which reform had ever found—the illustrious and unrivalled Bentham. It was in vain, however, for the hon. and learned gentleman to attempt, by stale jokes and misapplied sarcasm, to undervalue the efforts of a mind the most comprehensive, informed, accurate, acute, and philosophical, that had perhaps in any time or in any country been applied to the subject of legislation, and which, fortunately for mankind, had been brought to bear upon reform, the most important of all political subjects. The abilities of Bentham, the hon. and learned gentleman could not dispute—his disinterestedness he could not deny—his benevolence he could not but admire—and his unremitted labours he would do well to respect, and not attempt to disparage. The conviction of such a mind, after mature investigation, overcoming preconceived prejudice, could not be represented as the result of wild and visionary speculation: and the zealous and honest adherents of the cause of reform might be well contented to rest the question on the foundations, broad and deep, upon which Bentham had placed it. The hon. and learned gentleman, therefore, unless he found himself competent at least to attempt to answer the reasons of Bentham, ought, for his own sake, to be more cautious how he endeavoured to misrepresent those reasons, or to effect, by misstatement, what he was unable to accomplish by argument.

It was in vain to reason with the hon. gentleman who spoke last but one (Mr. Lamb), as his imagination seemed to conjure up dangers as unsubstantial as those of children frightened at their own ideas of ghosts and hobgoblins: but as to the statement which the hon. gentleman had made, that parliaments had never been annually elected and held, it was altogether erroneous, it being a fact proved by writs, returns, and records, still extant, that parliaments were elected and held annually, or more frequently, from the 22nd year of Edward the 1st, to the time of the civil wars between the houses of York and Lancaster, with few exceptions, which might generally be accounted for from temporary circumstances. Notwithstanding the prorogations mentioned by the hon. gentleman (which indeed were not denied, and did not affect the question) no parliament lasted so long as a year, till the 23rd year of Henry the 6th: it was not unusual to have two or three new parliaments in one and the same year, and there were instances of a still greater number; and, therefore, if the vote of this night depended on the fact of annual or more frequent parliaments having ever been the practice of the English government, he should rest perfectly satisfied, and be confident of obtaining the vote by that criterion. The hon. gentleman, whilst he arrogated to himself superior knowledge of history, had only shown how little he was acquainted with it, and whilst he betrayed his little acquaintance with a subject so material to the question, he had attempted to undervalue the labours of his (sir F.'s) worthy friend, major Cartwright, because forsooth he had misconstrued three words of law Latin—a language which the worthy major having been bred to the sea-service, never pretended to have learned; and which (whether he knew it or not) was quite immaterial to the question. In fact, however, this apparent disparagement was a compliment paid to the major by the hon. gentleman, who showed his eagerness to cavil at a trifle, the major's arguments not being easily controverted, though his scholarship might be disputed.

He was happy to find that the right hon. gentleman (Mr. Canning) was gratified by the question having been brought forward so distinctly as it was in the Resolutions now proposed. He trusted that it would prove equally gratifying to the people. At all events, he had, to the utmost of his power, performed his duty to the country. That some change in the system of representation was necessary, was, he believed, pretty generally admitted; and he had no doubt that the impression would become still more extensive, and that the time would come, when all candid men of all parties would call for reform, although he could not hope to make a convert of the right hon. gentleman, who was too well satisfied with the state of things under which he flourished. Corruption in his eyes wore no deformity; he addressed her as a lover addressed his mistress; he saw no defects—what others thought blemishes, he considered as beauties—he seemed to say,

"I read thee over with a lover's eye,
Thou hast no faults, or I no fault can spy;
Thou art all beauty, or all blindness I."

As to the danger to be apprehended from the exercise of what was called universal suffrage, he could see no founda-

ion for it, unless it could be supposed that all the people would go mad when they became free; and would abuse their liberties, for the purpose of destroying their own happiness.

The question being put, "That the order of the day be now read," the House divided:

Ayes 106
Noes 0

Sir F. Burdett and lord Cochrane were appointed tellers for the Noes.

Lord Cochrane presented a Petition from William Cobbett, praying for annual parliaments and universal suffrage. After the clerk had read through the greater part of it, Mr. Fazakerley rose and moved that the House be counted, when there not being forty members present, an adjournment took place.

HOUSE OF LORDS.

Wednesday, June 3.

PRIVATELY STEALING IN SHOPS BILL.] Lord *Holland* moved the second reading of this bill. He said, that the object of the bill was so well known that it would be superfluous for him then to enter into any detail upon the subject, and he trusted that the importance and propriety of the measure was so fully felt by their lordships, as to leave nothing for him to do, but to move that the bill be then read the second time.

The *Lord Chancellor* said, that the bill, together with its principle and object, had indeed, been frequently and amply discussed in that House, as well as in another place. The opinions which he had entertained of it he had more than once communicated to their lordships, and he had then only farther to say, that his opinions had not since undergone any change. He was nevertheless open to conviction, and whenever the question for reconsideration might be proposed in that House at the period of a session when there would be time for discussing it effectually, he should willingly enter into such discussion.

The motion for the second reading was then negatived.

PURCHASE OF GAME BILL.] On the motion for the third reading of this bill,

The Earl of *Limerick* repeated the arguments which he had expressed last night, and moved an amendment to the effect, that for the first offence the person convicted of violating the statute should be committed to the House of correction for three months, and for any subsequent offence for four months, without bail or mainprize.

The Earl of *Carnarvon*, though agreeing in many points with the noble earl, could not assent to the proposed amendment.

The Earl of *Liverpool* thought it was impossible for a diversity of opinions to exist among their lordships respecting the oppression and real impolicy of the system on which the game laws subsisted. He thought the whole ought to undergo a diligent and minute revision, and he believed that the result of such an inquiry would show that it would be right to make lawful both the purchase and the sale of game.

The Earl of *Westmorland* was of opinion that much erroneous prejudice prevailed respecting the enactments which had successively been made for the preservation of game. But without entering minutely into the question, he must observe, that if the system of the game laws were to be acted upon, they ought to operate generally and impartially.

Lord *Holland* observed, that when he had remarked that the game laws were cruel and oppressive, he at the same time admitted the difficulty of furnishing an adequate remedy; and he certainly could not consider the proposed amendment of the noble earl as being very conducive to that end.

The amendment was negatived. After which the bill was read a third time, and passed.

STATE OF THE PRISONS OF THE KINGDOM.] The Marquis of *Lansdowne*, in pursuance of the notice he had given, rose to call the attention of their lordships to the present state of the prisons of the United Kingdom. In calling the attention of the House to this subject, he should have occasion to refer their lordships to important facts stated in the report of the House of Commons on this subject, a document containing statements which deserved the peculiar and serious consideration of their lordships. From the information contained in that report, it appeared that in the course of ten years such had been the progress of crimes, that they had increased to three times their former amount. Whether their lordships were to consider

tion with respect to the number of persons charged with committing crimes, or the number convicted, the progress was most alarming within the period he had stated. The number of the former class had been doubled, and that of the latter had increased at least 180 per cent. In 1805, 1806, and 1807, the number of persons convicted amounted to 9,865. In 1815, 1816, and 1817, the number of that class was 19,756. This was a most appalling statement, and one which he was confident their lordships would agree with him could not be allowed to remain on record, without parliament or government instituting an inquiry into the means of applying a remedy to so dangerous an evil. The statement was of a nature which other governments might have thought right to conceal, but it was happily the policy of this country to submit to the world every thing connected with its situation. In consequence of this policy, evils soon became the subject of serious consideration, and remedies were applied before they became incurable. In the mean time, it was not to any remote speculation on the cause of this evil, that he meant to direct the attention of the House. Whether it was to the late war, and the poverty and distress which followed it—to the increase of population as some asserted—to the paper currency, as was maintained by others—or to all those causes combined, were questions which he should not now discuss. Whatever might be the remote cause of the progressive increase of crimes, the evil was one which could not be indifferent to their lordships, and to which it must be their desire to apply, as speedily as possible, a practical remedy. As to the more immediate causes, it appeared from the statement to which he had referred, that a very obvious one was to be found in the present state of the prisons, in which persons charged with all kinds and degrees of offences were indiscriminately huddled together. In some country prisons persons charged with robbery and every description of felony, with manslaughter, offences against the game laws, against the laws for protecting the woollen and cotton manufactures, profane swearing, breach of contract, assault, &c. were confined in such a manner, that they must necessarily communicate together. The great variety of offences to which he had referred, was in consequence of the state of society in a wealthy and highly civilised country, and that variety of offences had been provided against by a gradation of punishments. But the effect of this state of things was, that according to the present state of gaols a great multitude of persons, whose degrees of criminality were very different, must be confined in the same place, with all the facilities of a communication which could not fail to be attended with pernicious results. It appeared from the information now before their lordships, that a population amounting to no less than 14,000 persons was annually consigned to these mansions, so unfit for the purpose to which they are destined. Out of that number, it was probable that not less than 13,000 were permitted to return to society, either by being acquitted, or after having undergone the sentence of imprisonment. In what a state of degradation must they under the present system return to the duties, or, he was afraid, rather to the vices of civilised men. Their lordships ought to remember the maxim, "Parum est afflcere improbos pœna, nisi et contineas probos disciplina." Some attempts had already been made with considerable success to obviate the evil which he had pointed out. Mr. Howard was the first who introduced a plan for the classification of prisoners according to their offences. A prison was built on his plan in Bedfordshire, and other counties soon followed the example with more or less success. Still, however, the public prisons were in a most deplorable state. In calling their lordships attention to the situation of these places of confinement, it would be sufficient to refer them to the statements in some excellent works on the subject lately published, and in particular, to the works of Mr. Nield and Mr. Buxton. In the former they would find an account of the prison of Bristol, which merited their consideration. But it was not merely to the state of the gaols in distant towns, or the provinces, that their lordships would see reason to direct their inquiries; they would learn that practices, which were the very reverse of what was calculated to promote reform, were continued in the gaols in and about the metropolis. He wished their lordships to read in Mr. Buxton's admirable book, his description of the state of the Borough prison: a prison, the jurisdiction of which, as he observes, extends over five parishes. "On entrance, you come to the male felons ward and yard, in which are both the tried and the untried—those in chains,

and those without them—boys and men—persons for petty offences, and for the most atrocious felonies—for simple assault—for being disorderly—for small thefts—for issuing bad notes—for forgery, and for robbery. They were employed in some kind of gaming, and they said they had nothing else to do." After this commencement, it could not surprise their lordships to find the author concluding his account of the Borough Compter with this observation:—"The gaoler told me, that in an experience of nine years he had never known an instance of reformation; he thought the prisoners grew worse; and he was sure, if you took the first boy you met with in the streets and placed him in his prison, by the end of the month he would be as bad as the rest." This description, he was afraid, would apply but with too much truth to many other prisons of the metropolis. To the principal prison it was impossible, from the manner in which it was constantly crowded, to apply any general system of regulations. There it was necessary to place several felons in the same cell, and persons of very different descriptions of offences were mixed together. The consequences were such as might be expected, notwithstanding all the efforts of that meritorious individual, Mrs. Fry, who had come like the genius of good into this scene of misery and vice, and had by her wonderful influence and exertions produced in a short time a most extraordinary reform among the most abandoned class of prisoners. After this great example of humanity and benevolence, he would leave it to their lordships how much good persons similarly disposed might effect in other prisons, were the mechanism, if he might use the expression, of those places of confinement better adapted to the purposes of reformation. The institution of the great Penitentiary-house was likely to be attended with great advantages, though he did not approve of all the regulations. That establishment was a great step taken in the important work of reformation. He was aware there were persons who considered all attempts of this kind as useless; who thought that all that could be done was to provide for the safe custody of prisoners, and that attempts to reform them were hopeless. Let those who entertained this notion go and see what had been effected by Mrs. Fry, and other benevolent persons, in Newgate. The scenes which passed there would induce them to alter their opinion. There were moments when the hardest hearts could be softened and disposed to reform. A most profound observer of human nature had made one of his characters say, "I am so steeped in guilt, the smallest wind can shake me;" and these were the moments which could be advantageously seized. The evil effects of the state of this prison were made manifest by the fact, that 40 per cent of the persons discharged from it returned to it; whereas the returns to gaols conducted on other principles, and with better accommodation for classifying the prisoners, did not exceed 5 per cent. If by management and regulation, this difference between 5 and 40 per cent could in any degree be diminished, such an object would be most desirable. In another session he hoped their lordships would meet the question manfully. If in one system they saw only a nursery for crimes, where the juvenile offender was exposed to temptations, which, because they required ingenuity and boldness were not the less attractive to youthful minds—while, in another, they saw the example of offenders corrected and returned with improved characters to society, could they hesitate to choose between them? With a view to promote the application of an effectual remedy to this great malady, he would propose an address to the Crown. It had been his wish to obtain the facts most desirable to be known in a tabular form, but it was not usual to state such an object in an address. He was, however, convinced that the noble secretary of state in whose department it would fall to give orders for making the returns, would not fail to direct the information to be drawn up in the most convenient form for their lordships. The noble marquis concluded with moving an address to the Prince Regent, to request that his royal highness would be pleased to order to be laid before their lordships, early in the next session, an account of the state of all gaols, houses of correction, and penitentiary houses in the united kingdom, with an account of the number of prisoners confined therein during the year 1818, their ages, the number and mode of their classification, their allowance of food and clothing; also an account of all the regulations which had been deviated from, with the reason and occasion of such deviation.

Lord *Sidmouth* agreed with the noble marquis that he could not propose a sub-

ject of greater importance for the consideration of the House, and it had been his intention, in the interval between the close and meeting of parliament, to make inquiries to the same effect, if the noble marquis had not brought forward the present motion. He was sorry that the noble marquis's statement respecting the increase of crime was but too true. What were the causes of this increase it was not easy to point out with accuracy; but there had lately been some peculiar circumstances which might in some manner account for it. The return from a state of war to a state of peace had occasioned the discharge of a number of individuals, who were for a time destitute of employment, and on such occasions there had always been an increase of crime. At the end of the year which succeeded the close of the war before the last, the increase of crimes had been nearly double; but four years afterwards the amount was not greater than it had been the four years preceding. At the close of the last war, there had been a greater discharge of seamen and soldiers than had ever been known at any former period; and at the same time he must remark, that the terror of punishment had been very considerably diminished. He must contend that the dread of punishment, by imprisonment especially, was almost done away by the very philanthropy that was endeavouring to render prisons rather places of accommodation than punishment. It was notorious also, that the dread of transportation had almost entirely subsided, and perhaps had been succeeded by a desire to emigrate to New South Wales. Indeed, the situation of the convicts there was very different from what it used to be: formerly they were placed on their arrival in a state of almost absolute slavery, but now the case was very much altered. As to the state of the prisons themselves, it could not be denied that many of them, while there was such a neglect of labour as at present, were only schools for depravity and crime. Under these circumstances, there were other features, in the returns that had been made that must make a strong impression on their lordships. While the number of crimes and commitments had very considerably increased, the number of capital punishments had diminished: within the first seven of the last thirty years nearly one-half of the numbers condemned usually suffered death; while in the seven years from 1798, of 83 who were condemned, only 14 suffered death; and in the latest period of the returns, it appeared that not more than one-eighth of those who were condemned were left for execution. The chance of escape must add to the temptation to commit crime. He mentioned the circumstance, because it had been said that the execution of the laws in this country was a system of sanguinary vengeance; at least this language had been held in a publication which, on many other accounts, he held in high estimation. When we saw, however, that these were the effects of the fear of punishment being diminished, it became necessary either to render punishment so certain and effectual as to produce a wholesome fear of their infliction, or to prevent the increase of crime by improving the system of managing our prisons; by classifying, educating, and employing the prisoners, so as to prevent the necessity of executing the laws in their utmost rigour. He thanked the noble marquis for bringing this subject under the notice of the House. He had no doubt that when the returns were made, their lordships would esteem it their duty to recommend the appointment of a committee, who should consider those returns, examine the subject in detail, and make a report to the House. On that report being made, he had no doubt the result would be an improvement of the system, and he cordially concurred in the motion that had been made.

The motion was then agreed to *nem. dis.*

HOUSE OF COMMONS.

Wednesday, June 3.

REPORT FROM THE COMMITTEE ON PUBLIC BREWERIES.] Mr. *Lockhart* brought up the Report of the Committee on Public Breweries. In laying this report on the table, he called the attention of the House to the complaints made by the public on this subject, which were chiefly the high price of porter, the inferior quality, the mixture of deleterious ingredients in the article, the monopoly by eleven great brewers, and the licensing system. As to the price, the committee, after a full examination, were of opinion, that the prices were neither unfair, nor unreasonable, or the profit more than the brewer was entitled to, according to the price of the fair ingredients he had to use. The committee gave no opinion on the in-

terest obtained by advances to publicans on leases of particular houses, and its effect on the price. As to the intermixture of deleterious ingredients, they had entered into the fullest examination, by a reference to the minutes of the Excise board, and other competent authorities. They felt the importance of this branch of the inquiry, and were happy to state, that not a single instance was to be found of the use of any such ingredients in any of the eleven great breweries. In one instance (and this was a solitary exception) the late Mr. Thomas Meux had been prosecuted for using the salt of tartar in one particular case; it was however alleged at the time, that this was not a deleterious ingredient. The inquiry of the committee had gone back for six or seven years, and it was gratifying to find, that the eleven great breweries stood exonerated from the use of any other ingredient in the composition of their porter than malt and hops, and the mixtures allowed by law. When the committee made this important statement, they felt it right to add, that though the great brewers already alluded to, stood completely exonerated on this important point, yet it had appeared before the committee, that some deleterious ingredients had been used by some of the small brewers, and also that they had been purchased by some publicans, and mixed up with their porter for the retail trade, though wholly unknown to the brewer, whose manufacture was thus deteriorated after it was delivered from his house. Indeed, in some instances it had been found, that the publican had been furnished with a book of instructions, to guide him in the intermixture of the ingredients with which he wished to adulterate his porter. The committee had also looked into the nature of the licensing system, as connected with the trade of the victualler, and found in it many abuses, which it was yet difficult to remedy without trenching upon the validity and security of a system of private property, which had long been suffered to exist, owing perhaps, to the inattention of the legislature. They had found, that from the system of a large number of houses being in certain places under the control of one man, some evils existed, not indeed so much (if at all) in the metropolis, as in the country parts, where the evil was so much felt, that it became necessary in one place to collect together the principal noblemen and gentlemen of the neighbourhood, to vote for the licence of a free house, which would sell a different quality of porter from that previously vended in the neighbourhood.—Though the committee could not recommend any interference with the principle of property which had grown up under this system, yet they ventured to recommend a prospective measure, and it was, that the magistrates should have a discretionary power to refuse a licence, when hereafter one should be called for, to such house as might fall into the brewer's hands by any arrangement with the holder, to vend exclusively any particular article. The committee were fully of opinion, that so far from the large brewers having, as was supposed, done a public injury, by reason of what was called the monopoly of their trade; they had, on the contrary, done a public benefit, by the superior article it was ascertained they were enabled to furnish, from the better arrangements which their large and extensive capitals necessarily commanded. It was right to state, that four of the principal brewers had voluntarily come forward to the committee, and tendered in the amplest and clearest manner the whole particulars relative to the management of the trade, and the ingredients they used in their manufacture. The committee strongly pointed out the necessity of rigorously enforcing the penalties against persons found adulterating their porter.

Mr. *John Smith* expressed his approbation of the report, and the pleasure he felt at the full and complete removal which it must effect, of the prejudice that had gone abroad in the public mind on the subject of the large breweries. The report must completely remove such an imputation from the eleven great breweries of the metropolis. It was now, clearly and satisfactorily made out, that these large establishments manufactured nothing but the genuine article. The effect of this most satisfactory explanation would be, he trusted, that the great mass of the people would adhere to the good old English beverage of porter, now that they clearly found where it was properly manufactured, and relinquish as much as possible the consumption of gin, which he believed to be a liquor most injurious to the health of the consumer. The public prejudice as to great brewers and their practices, was now ascertained to have been utterly void of foundation.

Sir *M. W. Ridley*, having been a member of the committee, felt it right to bear his

testimony to the total removal of the imputation which public feeling assigned to the eleven principal brewers. He repeated the statement, that they used no other than legal and proper expedients in their porter, though it was ascertained that compositions of a different description had been sold to some of the lesser brewers and to publicans, together with books of instructions for the use of the compound, but in no instance with the knowledge of the large brewers. It was desirable that, in cases of conviction, the penalties should be heavy, and not remitted, since adulteration, by means of deleterious ingredients, was a crime against the health and morals of the public. There had certainly been much unjust odium thrown out against the brewers.

Mr. *Bennet* expressed his full conviction that the idle rumour against the principal brewers was totally destitute of foundation. On the subject of licensing, he fully agreed with the committee, that it contained gross abuses: indeed, so convinced was he of this, that early next session he meant to bring under the consideration of parliament the whole practice as it now prevailed, with a view to the enactment of a more salutary system.

Mr. *W. Smith* observed, that he had all along expected this result from the inquiries of the committee. He was sorry to say, that a cry of monopoly had been actively and invidiously set up. Unquestionably the brewing trade in London was confined to a few persons; but this was because it required the employment of large capitals. Yet the fact was, that they who had the greatest capital and sale, served the public with the best beverage. On the subject of the infliction of penalties, he thought the excise should invariably exact the largest penalty the law allowed where any deleterious ingredient had been used in human food. As from the arbitrary nature of the Excise laws, a large discretion must occasionally be exercised by the board, he thought this subject was one in which no quarter should be given; and farther, that the names of all persons so convicted should be posted up and published in their several districts.

General *Thornton* said, that the House and the public were greatly indebted to the labours of the committee. Their report contained a mass of useful information. He thought that Mr. Barber Beaumont had done good in calling for this inquiry; his motives were laudable, though he had certainly been mistaken in some points of his information.

The Report was then laid on the table, and ordered to be printed. The following is a copy thereof:

REPORT FROM THE COMMITTEE ON PUBLIC BREWERIES.

The COMMITTEE to whom the Petition of several Inhabitants of London and its vicinity, complaining of the high price and inferior quality of Beer, was referred, to examine the matter thereof, and report the same, with their Observations thereupon, to the House; and to whom the Evidence taken by the Committee on the Police of the Metropolis in the years 1816 and 1817, and in the present year, so far as it regards the licensing of Public Houses, was referred;—Have examined the matters to them referred, and agreed upon the following REPORT:

Your Committee have, in pursuance of the directions of the House, inquired into the matter of the Petition referred to them, and have endeavoured to reduce the observations occurring to them on the evidence which they have heard, under the distinct heads of complaint as set forth by the petitioners.

The first object to which the attention of your Committee was drawn, is that allegation of the petition, stating the petitioners to be aggrieved by the high price and inferior quality of beer, and which they state is obtruded upon them, in consequence of the sale of it being confined to particular persons and places which they call privileged, meaning to refer to the system of licensing public houses. Your Committee would feel great difficulty in ascertaining the exact remunerating price of any manufactured article, and more especially of a commodity, the composition of which consists of substances whose prices are not only perpetually fluctuating, but also differing, in the course of very short periods of time, in the highest degree; unless, indeed, such prices were clearly proved to be excessive, either by comparison with the prices paid for the component ingredients, or with lower prices paid in other parts of the country; they therefore cannot but hesitate in pronouncing a distinct opinion as to the precisely fair and adequate price at which beer either has been sold at of late years within the metropolis, or at which it can now or ought to be supplied to the public. They think it, however, their duty to state generally, that they have received no direct and pointed evidence, founded upon such as appeared to them conclusive data, that the prices at which beer has been supplied (according to its general quality) to the consumer during a considerable period, has yielded more than a fair profit to

the brewers; and from the evidence of the best informed on this subject, who have appeared before them, they are led to conclude, that the profits of the brewers have not been extravagant or unfair.

They cannot, however, but call the attention of the House to the very large capital now invested by the brewers in the metropolis, in the purchase or mortgage of freehold or leasehold estates in public houses, both in the metropolis, and still more in the country, or in loans to publicans, in order to secure their custom; nor can they avoid believing, that such a mode of conducting these concerns, must, though not profitable to the trade in general, create a necessity of selling at such a price as may secure a trade interest on money so advanced, or an indemnity to the purchasers against the large sums they may be obliged to pay for licensed houses.

Your Committee also do not mean to express any opinion of the fairness of price of the commodity supplied by breweries, which, possessing a trade chiefly with houses which may be called proprietory, and dealing also in a lesser degree with free houses, compel the proprietory houses to take a different and inferior liquor to that with which the free part of the retail trade are by the same brewery supplied; on the contrary, your committee cannot reprobate in too strong terms so disgraceful a practice.

The next and the most material head of complaint presented by the petitioners, is, the mixture of deleterious ingredients with beer, as now made. Your committee have limited their investigation on this subject to the six years preceding the date of the petition, from a consideration that such a period would well enable them to enter into a fair examination of its allegations, and to make a full report with regard to any practice which it might be supposed to be the object of the petitioners to expose and correct, or which in any manner could, at the present moment, affect the interests of the public. They have called upon the various officers of excise, for their returns of convictions, their seizures of articles prohibited to be sold to or used by brewers; the officers who have made such seizures or detected illicit practices; and from this evidence it does not appear that any deleterious ingredients have been used by any of the eleven great breweries, within the above period; and it further appears, by such returns, that no articles contrary to law have been proved to be used by any one of the eleven great breweries, within the same period, except in the instance of Messrs. Thomas Meux's house, who in 1812, had employed a chemist of the name of Wheeler (who was examined before your committee) to prepare a solution of salt of tartar to correct an acidity which had at that time taken place in what he termed the young beer; but which he states to be perfectly innocent in itself, and to possess no pernicious qualities, nor to be in any degree prejudicial to the health of the consumer. For this breach of the law Messrs. Meux's and Co. were prosecuted, and on conviction paid a penalty of 100*l.*, with forfeiture also of their dray and horses. Mr. Wheeler further stated, that that establishment has since passed into other hands. The absence of all other evidence against the eleven great breweries on this head, together with the inducements for disclosure and detection held out, by the very heavy penalties annexed to this species of offence, viz. (500*l.*, half of which are given to the informer) induce them to believe that this charge, so far as it was intended to be pointed against the eleven great breweries, is, with the above single exception, unfounded; and that their beer has been, and as now brewed, is composed of malt and hops, legal colouring and finings only.

But your committee must, in justice to the petitioners state, that they do find, both from the Excise returns and from the seizing officers, that drugs of a very nauseous, and some of a very pernicious quality, are still vended by persons as a trade, and bought by the lesser brewers and by the publicans; by both of them infused into their vats, and mixed in their barrels respectively, and in that state retailed to the public. That this practice is not confined to the metropolis, but extends into the country; and that travellers from London houses have been known to possess and offer cards, containing a list of articles, together with instructions adapted to the adulteration of beer. It is evident that the use of such articles by the lesser brewers and publicans, as have been exhibited before your Committee, together with the practice of both, in many instances (as proved by the Excise returns) of mixing table beer with strong beer, must have a tendency to bring the general beverage of the eleven great breweries also into a degree of discredit; to excite a distrust in the minds of the public, and strongly to induce them to lay their complaints before the legislature, without being able to point out distinctly the real authors of their grievance.

Your Committee have also received the most conclusive and satisfactory evidence from four of the principal brewers, who, having expressed themselves most willing to submit to any course of examination which your Committee might think proper to adopt, did, in the most unequivocal and distinct terms, deny the use of any deleterious or unlawful ingredients in their respective breweries, or any knowledge or belief of such practices in any other of the eleven great breweries.

Your Committee cannot suggest any other particular mode of preventing the use of deleterious or unlawful ingredients, than the following, viz. the strict execution of the 56th Geo. 3rd, with regard to exacting the fullest penalties and forfeitures on those who thus endanger the health of the consumer; and the publication of every conviction (when the

articles used shall have been proved to have been noxious) within the parish wherein any person guilty of such an offence shall carry on his trade; and in addition to this, a vigilant exercise of the sound discretion reposed in magistrates, to be exercised by them, in refusing licences to every victualler who shall have been convicted of any such practices.

The last head of complaint of the petitioners, in which is indeed included others of a collateral nature, is the allegation of the existence of a monopoly in various parts of the kingdom, and particularly in the metropolis, by the eleven great breweries, and to which either the supposed unfairness of price, the use of unlawful ingredients, the alleged inferior quality of beer, and a combination to fix the price, have been ascribed. Your Committee, on this head of the petition, feel themselves called upon to revert to the investment of very large capitals in the purchase of licensed houses by brewers, and the consequent continued decrease of free houses, both in the metropolis and in the country, and in which practice that which the petitioners term monopoly, may be said chiefly to consist; and it is clear, that though the present number of free houses in the bills of mortality may still be sufficient to check, in some degree, such monopoly as may now exist; yet an extension of the present practice cannot but ultimately effect the full establishment of it, when at most the only competitors in the trade will be the proprietors of these houses. When this state of things shall arrive, the meetings of brewers to fix and lower prices, (and which is not disguised by them, but declared to be necessary), will no longer be as unprejudicial as it is now stated to be, but may be, and probably will be used as means of demanding such an unfair price from the public as they may be compelled to submit to. It is true, that price and not quantity is the subject of their present determinations and meetings, and that a competition in quality is more effectual than any competition in reasonableness of price; but an absorption of all or a greater proportion of free houses, may enable the successors of the present trades to use their power in a manner which the trade now declare not to be their practice, and totally adverse to their inclinations and intentions. Your Committee, however, cannot entertain a doubt but that it is an object of anxious consideration to the brewers to prevent any variation from the prices fixed at their general meetings; and the same has been evinced in one instance (a solitary one, your Committee are bound to observe), in which a pecuniary consideration was offered by an agent of a brewer to a victualler, to induce him to abandon a practice which he had adopted, of selling porter at a reduced price.

Your Committee, owing to the late period of the session, were not enabled to examine, at any great length, into the state of the breweries in the country, but, from the inquiries they did make, it does appear that the abuse of the licensing system is in progress there, and producing still more injurious effects than any of which evidence has been adduced, as affecting the metropolis. In the small town of Chertsey it had become most obnoxious to the inhabitants, and but for the exertions of a noble lord, a magistrate of the county of Surrey, who gave his evidence to the Committee, would have remained without any correction whatever. A partial correction was however effected by the establishment of one free house; and the competition of that free house, together with a coffee-house, did, in a degree, produce a supply of better beer to the community. It is worthy of notice, that the full establishment of that free house did not take place until some of the principal nobility and gentry appeared on the licensing day, and supported the grant of the licence. It further appears to your Committee, that, in some districts, not only brewers become the purchasers of licensed houses, but malsters and spirit merchants also; that the brewers bind their proprietory houses to the spirit merchant, who, in return, performs the same service for the brewers; that the liquor then becomes inferior; private families supply themselves from their own breweries; smaller societies brew from molasses in tea kettles; but the poor who have none of these resources, must be content with such liquor as is retailed at the licensed houses, whatever may be the quality, the price, or the measure. This system of purchasing licensed houses, appears to be condemned by two of the principal brewers, who must be supposed best to know its evil tendency and effects, not only as against the public, but as against the prosperity of their own trade. Mr. Barclay expressly condemns it, and states, that it is now increasing; and that a brewery supported by purchased public houses, must deteriorate the quality of their beer; Mr. Martineau is of the same opinion.

Your Committee, on the difficult question of applying a proper and temperate remedy to this evil, and avoiding as much as possible proposing any measure by which that species of property which the legislature has, by its attention not having been called to the subject, permitted to arrive at its present magnitude, beg leave to suggest, that it may be fit to enact some prospective law, which, at a given period of time, shall direct the magistrates to refuse licences to such houses as shall, on due inquiry appear to them, by any new contract, purchase or mortgage, to have become, in substance, the property of a brewer; and until some regulation of this nature shall be adopted, they beg leave to submit to the House, that they entirely concur in that part of the report of the police committee, which earnestly calls "on the magistrates in the country, to lend their aid

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to break down a confederacy, which is so injurious to the interests of the poor and middling classes of the community."

3rd June, 1818.

TREATMENT OF SLAVES IN THE ISLAND OF ST. CHRISTOPHER.] Sir *Samuel Romilly* rose to make his promised motion for a copy of depositions taken before the coroner in the island of Nevis, who sat on the body of a negro, named Congo Jack. In bringing forward this subject, he felt it necessary to state that he did not call the attention of the House to it alone on the extraordinary barbarity which the particular case developed, for that, glaring as it was, appeared much less important than the light it threw on the mode of administering criminal justice in the West India islands, where the protection of slaves was at stake. It was, therefore, to the gross administration of justice in these colonies that he meant particularly to call the attention of the House; and for this purpose it became necessary for him to call for farther information from the colonial authorities. The facts of the particular case which had occurred were simply these:—A rev. Mr. Rawlins had the management of an estate in St. Christopher's belonging to a Mr. Hutchinson; a slave had ran away from it on the Tuesday, was taken and brought back on the Wednesday, flogged in the severest manner on Thursday, and chained with another slave who had committed some offence, and dragged to work with the rest of the men on Friday morning; he was still chained to the other slave, and when brought to his work he was incapable of doing any thing, and complained of severe pain, hunger, and sickness—he tried to lie down in this state, but was severely flogged by the sticks of one or two drivers. The consequence of this brutal treatment was, that the wretched being died in the course of Friday actually chained to his fellow slave. He was buried privately on the same day, and no coroner's inquest was at the moment called, though his body was covered with marks of violence. Some intimation of this cruelty had been given to the magistrates, and a coroner was then ordered to sit on the body, which was dug up for examination. The present object of his motion was, for the depositions of the coroner, which, strange to say, had not been transmitted to this country. But it appeared from the evidence given on the subsequent trial, that at the coroner's inquest, Dr. O'Mealey deposed, that he attended at Hutchinson's estate on the 9th September, between twelve and one o'clock, accompanied by two other doctors; that he had examined the deceased, who was then taken out of his grave, and found several marks on the body; one on his right eye, one on his right jaw, one on the right arm, one on the right breast, one on the right side of the belly, and some on his thighs; there might have been others, but those described were the most remarkable. Two of his teeth were recently broken. He did not dissect the body to examine the stomach; the contusions must have been severe: the body was in a state of putrefaction, and he could not ascertain the precise cause of the deceased's death. With all this evidence of violence upon the body, the House would be shocked and astonished to hear that the verdict of the coroner's jury was—"Died by the visitation of God!" One of the drivers had been afterwards tried for the murder, and several slaves were examined on the trial, among the rest the man to whom the deceased had been chained, and he on that occasion swore that Mr. Rawlins, the manager, was not present when the last severe punishment had been inflicted. In this case, if such were the fact, the manager was exonerated; but if done in his presence, as afterwards appeared, he alone was responsible, and the driver, of course, free, as acting under the orders of his master. On the subsequent trial of the rev. Mr. Rawlins, it was not only proved that he was present, but that he actually took a part, so far as aiding and abetting, in the execution of the punishment. The jury, however, found him guilty of manslaughter only, though his crime, if the evidence be true, was an atrocious murder. The sentence was also a mitigated one for manslaughter; for it was only a fine of 200*l.* and three months imprisonment. It is a law of the island of Nevis, that when any slave died, if he had not been attended by a physician, a coroner should immediately be summoned to inquire into the cause of his death. The House would see the value set on the lives of these unfortunate people, when such a verdict as that given before a coroner, was, after some delay obtained in this case. The verdict of the jury was a no less extraordinary one. If they believed the evidence, they had only one verdict to find:

if they did not, they had only one duty to perform by acquitting the prisoner. In finding him guilty of the crime of manslaughter, according to the facts of the case, they either did Mr. Rawlins the grossest injustice, or they compromised their own solemn and imperative obligation. Lord Bathurst makes this appropriate remark in his dispatch to governor Probyn, requiring the minutes of the trial—"If this statement be true, or in any way approaching to truth, Mr. Rawlins could not have been guilty of manslaughter; it must have been murder or an acquittal." It was worth attention, that in the first dispatch of governor Probyn to earl Bathurst, dated St. Kitt's, October 17, 1817, communicating the occurrence of the death of the slave, is this passage—"I have also thought it proper to give your lordship the result of the trial, lest any incorrect account might be taken to England." Here in the beginning it was apparent that some ulterior inquiry might possibly be made into this transaction. Lord Bathurst, in acknowledging this communication to the governor, and calling for farther particulars, very justly observed—"Your dispatch seems not to consider the transaction in so very serious a light as it must be considered if the accounts which have been by private channels given of it are true." In answer to this requisition from his lordship, governor Probyn, in his dispatch of the 21st of last March, enters for the first time into particulars, but without giving the evidence before the coroner. The evidence on the trial, however, detailed a most horrible mass of cruelty. He would now ask the gentlemen who charged others with issuing injurious and exaggerated statements on the subject of West India matters, with what face could they repeat such a charge after this scene of cruelty had been exposed to the public eye? They had now authentic facts, and not vague rumours, to inform themselves on such practices; and he trusted the House would pursue the inquiry in the manner justice demanded. He concluded by moving, "That there be laid before this House, a Copy of the Depositions taken before the Coroner's Inquest which sat upon the body of a Slave belonging to Hutchinson's Estate, in the Island of St. Christopher, of the name of Congo Jack."

Mr. *Marryat* said, that he would be the last man in the House to defend the exercise of cruelty; but he could not help complaining, that the hon. and learned gentleman had taken an opportunity of drawing conclusions as to the general administration of justice in the West India islands, merely from the single circumstance of a particular fact, and one on which he confessed he had not all the information which the case required. He (Mr. M.) from looking over these papers, could see no ground whatever for supposing that governor Probyn had not conducted himself in the most honourable manner, and shown a readiness to transmit every information which was necessary on the occasion. As to the mode of inflicting punishment for runaway slaves in the West Indies, it must necessarily, for the sake of example, be done in a summary manner, and sometimes intrusted to drivers, who might perhaps exceed proper bounds. The punishment must be executed as it generally was in the army and navy. The hon. and learned gentleman had arraigned the correctness of the proceeding; but he had treated some of the facts in an exaggerated manner, while he had certainly confined himself in others to those points which necessarily required proper attention and consideration. The hon. gentleman here referred to parts of the evidence, where it was stated that the punishment of the slave did not last longer than two or three minutes, and that he was neither tied down, nor heard to cry, nor observed as if labouring under the heavy pain alluded to. It was also proved that the marks on the body could not have been inflicted by a whip, the weapon with which punishments were always inflicted. The driver, it appeared, had certainly exceeded his order; and the manager was, by the subsequent trial, held responsible for the act. The jury could not, he thought, have found a verdict of murder, under the circumstances of the case; that was a crime where malice aforethought must appear, and here there was no such feeling, nor any motive for its indulgence. When the hon. and learned gentleman talked lightly of three months imprisonment, he should recollect in what climate this punishment was to be inflicted; and he could assure him, that in the West Indies it was one of great severity. He was free to admit, that there was enough in the case to entitle it to inquiry, and he could certainly have no objection to the motion, though he saw no reason whatever for casting the reflections that had been made on the practice of the colonial judicature.

Mr. *Goulburn*, on the part of the colonial office, could only say, that the utmost alacrity had been shown to obtain every information relative to this case with the least possible delay.

Mr. *A. Grant* begged leave to read a letter which he had received from a friend of the first respectability at Nevis respecting this transaction, for the purpose of showing that the circumstance had excited the most marked disapprobation on the spot. The writer stated that not a moment had been lost in making inquiry into the cause of the death of the slave, and that if the charge could have been properly brought home to Mr. Rawlins there was no doubt his execution would have immediately followed a capital conviction. He farther stated, that even the brothers-in-law of Mr. Rawlins had, since the affair, ceased to speak to him, and that representations had been sent home to the bishop of London for the purpose of having him deprived of his gown. As to the cart-whip, it might be used in the smaller islands, but he never heard of it in Jamaica.

Mr. *W. Smith* said, that the hon. gentleman who spoke last always displayed a praiseworthy feeling upon this subject, which was much to his honour. As to the cartwhip, the expression was not theirs. It was commonly used in all the accounts of severity received from the West Indies. It was in fact and in effect a cartwhip. He could produce one of these instruments, which had been actually in use, and which, if exhibited, could not fail to move the feelings of the House in the highest degree. An hon. gentleman complained of the manner in which these matters were brought before the public, and said that they should be confined to the colonial office. In that case very little would be known about them. It was generally in consequence of accounts received by private individuals, that they were brought forward at all. The manner in which this transaction at Nevis, had been stated in communications to the colonial office was not calculated to attract any particular notice. The circumstances in all their aggravation were only heard of from private sources. Were it not for information obtained in this way, the grossest barbarities might be committed without any notice being taken of them. He could prove that there were persons in possession of facts connected with the West Indies, which it was a criminal forbearance to suppress—facts which if disclosed would make some persons hide their heads, who now held them very high, the Rawlinses and the Hugginses, one of whom had been a captain-general, and the other a leading member of the representative assembly.

Mr. *Wilberforce* asked, what would be thought if a transaction of similar atrocity had taken place in this country, and the person whose duty it was to represent the case to government, should omit the main features of the transaction. In all cases of this nature, it was one misfortune that our West India possessions were so removed; and another that none but a white could give evidence in a court of justice. What would be the state of things in this country if none but a man of five hundred a year were capable of being a witness? And yet that was precisely the case in the West India islands. He and his friends, who were anxious to ameliorate the condition of the black population in the West Indies, had perhaps been somewhat remiss in divulging facts that had come to their knowledge. He had himself had a private letter of the same tenour with what had been read by the hon. gentleman opposite. But the statement made by the governor was, that he had heard with much uneasiness of what had taken place; and yet he, at the same time, had omitted the most important features in the transaction, namely, the appearance of the body, and the verdict of the coroner—that the man had died "by the visitation of God." These facts would have been unknown, but for communications through a private channel; and still farther information was required. Had it not been for the demand of farther information, in consequence of the accounts through a private channel, on the part of lord Bathurst, no notice would have been taken of the most important parts of the case. He conjured the House to draw a moral conclusion from what had taken place.—That if they intended justice to be administered with purity and impartiality in the West Indies, they would not discourage the transmission of information through private channels, as it was a most effectual means of bringing criminals to justice. The governor, in his statement, ought to have said more; for he spoke only of a report, though the whole of the facts were generally known. Where evidence was so difficult to be obtained, the ear should be open to the complaints of abuse of authority. The

governors and the judges in the West India islands should be rendered independent of the colonial legislatures, if the House meant that the administration of justice should be pure; as it was difficult for governors or judges to maintain their independence in places where a single family possessed an uncontrollable ascendancy. Upon the same authority from which the other parts of the transaction had been learned, he had understood that Mr. Rawlins had not been in custody before the trial, and, that while subsequently he had been in custody, pursuant to the sentence, he had received many visits and many marks of attention. Let the House keep in their memory the case of this poor victim, and lend a willing ear to inquiry. The negroes had been acknowledged to be fellow-creatures, and should a governor make an erroneous or defective statement respecting the death of a negro, it undoubtedly called for inquiry.

Sir *S. Romilly*, in reply, observed that the case had not been prematurely brought forward. He had made a full statement of all the circumstances attending the case, excepting the depositions taken before the coroner, and with respect to that part of the case, he admitted that farther information was necessary. He would not go into all the details of the horrid transaction from a wish to spare the feelings of the House; though the language of an hon. member (Mr. Marryat) almost provoked him to do so. But he would simply ask, had not Rawlins been restored to his former situation? Had not the jury that sat upon the inquest decided, that the man had died by the visitation of God, the case would probably have excited but very little notice. The poor man had called for water, and that had been stated to be the cause of his death. He had not thrown out any reflections against the inhabitants of the West Indies generally, but had, upon a former occasion, made a distinction between the larger and the smaller islands, and had repelled the injustice of applying his observations indiscriminately to the whole.

The motion was then agreed to.

REPORT FROM THE SELECT COMMITTEE ON THE EDUCATION OF THE LOWER ORDERS.] Mr. Brougham presented the following

REPORT

FROM THE SELECT COMMITTEE ON THE EDUCATION OF THE LOWER ORDERS.

The SELECT COMMITTEE appointed to inquire into the Education of the Lower Orders, and to report their Observations thereupon, together with the Minutes of the Evidence taken before them from time to time, to the House; and who were instructed to extend their Inquiries to Scotland;—Have considered the Matters to them referred, and agreed upon the following REPORT:

Your Committee rejoice in being able to state, that since their first appointment in 1816, when they examined the state of the Metropolis, there is every reason to believe, that the exertions of charitable individuals and public bodies have increased, notwithstanding the severe pressure of the times; and that a great augmentation has taken place in the means provided for the instruction of the Poor in that quarter. They are happy in being able to add, that the discussion excited by the first Report, and the arguments urged in the Committee to various patrons of charities who were examined as witnesses, have had the salutary effect of improving the administration of those institutions and inculcating the importance of rather bestowing their funds in merely educating a larger number, than in giving both instruction and other assistance to a more confined number of children. As the management of those excellent establishments is necessarily placed beyond the control of the legislature, it is only by the effects of such candid discussions that improvements in them can be effected.

Since the inquiries of your Committee have been extended to the whole island, they have had reason to conclude, that the means of educating the Poor are steadily increasing in all considerable towns as well as in the metropolis. A circular letter has been addressed to all the clergy in England, Scotland, and Wales, requiring answers to queries. It is impossible to bestow too much commendation upon the alacrity shown by those reverend persons in complying with this requisition, and the honest zeal which they displayed to promote the great object of universal education, is truly worthy of the pastors of the people, and the teachers of that gospel which was preached to the poor.

Your Committee have lost no time in directing and superintending the work of digesting the valuable information contained in the returns, according to a convenient plan, which will put the House in possession of all this information in a tabular form. They have received important assistance in this and the other objects of their inquiry, from two learned barristers, Mr. Parry, and Mr. Coe of the Court of Chancery, who have devoted much of their time to the subject.

It appears clearly from the returns, as well as from other sources, that a very great deficiency exists in the means of educating the poor, wherever the population is thin and

scattered over country districts. The efforts of individuals combined in societies are almost wholly confined to populous places.

Another point to which it is material to direct the attention of Parliament, regards the two opposite principles, of founding schools for children of all sorts, and for those only who belong to the established church. Where the means exist of erecting two schools, one upon each principle, education is not checked by the exclusive plan being adopted in one of them, because the other may comprehend the children of sectaries. In places where only one school can be supported, it is manifest that any regulations which exclude dissenters, deprive the poor of that body of all means of education.

Your Committee, however, have the greatest satisfaction in observing, that in many schools where the national system is adopted, an increasing degree of liberality prevails, and that the church catechism is only taught, and attendance at the established place of public worship only required, of those whose parents belong to the establishment; due assurance being obtained that the children of sectaries shall learn the principles and attend the ordinances of religion, according to the doctrines and forms to which their families are attached.

It is with equal pleasure that your Committee have found reason to conclude, that the Roman Catholic poor are anxious to avail themselves of those Protestant schools established in their neighbourhood, in which no catechism is taught; and they indulge a hope, that the clergy of that persuasion may offer no discouragement to their attendance, more especially as they appear, in one instance, to have contributed to the support of schools, provided that no catechism was taught, and no religious observances exacted. It is contrary to the doctrine as well as discipline of the Romish church, to allow any Protestant to interfere with those matters, and consequently it is impossible for Romanists to send their children to any school where they form part of the plan.

Your Committee are happy in being able to state, that in all the returns, and in all the other information laid before them, there is the most unquestionable evidence that the anxiety of the poor for education continues not only unabated, but daily increasing; that it extends to every part of the country, and is to be found equally prevalent in those smaller towns and country districts, where no means of gratifying it are provided by the charitable efforts of the richer classes.

In humbly suggesting what is fit to be done for promoting universal education, your Committee do not hesitate to state, that two different plans are advisable, adapted to the opposite circumstances of the town and country districts. Wherever the efforts of individuals can support the requisite number of schools, it would be unnecessary and injurious to interpose any parliamentary assistance. But your Committee have clearly ascertained, that in many places private subscriptions could be raised to meet the yearly expenses of a school, while the original cost of the undertaking, occasioned chiefly by the erection and purchase of the school-house, prevents it from being attempted.

Your Committee conceive, that a sum of money might be well employed in supplying this first want, leaving the charity of individuals to furnish the annual provision requisite for continuing the school, and possibly for repaying the advance.

Whether the money should be vested in commissioners, empowered to make the fit terms with the private parties desirous of establishing schools, or whether a certain sum should be intrusted to the two great institutions in London for promoting education, your Committee must leave to be determined by the wisdom of Parliament.

In the numerous districts where no aid from private exertions can be expected, and where the poor are manifestly without adequate means of instruction, your Committee are persuaded, that nothing can supply the deficiency but the adoption, under certain material modifications of the parish school system, so usefully established in the northern part of the island, ever since the latter part of the seventeenth century, and upon which many important details will be found in the Appendix.

The modifications will be dictated principally by the necessity of attending to the distinction, already pointed out, between districts where private charity may be expected to furnish the means of education, and those where no such resource can be looked to; and the tables subjoined to this Report, will afford important lights on this subject. It appears farther to your Committee, that it may be fair and expedient to assist the parishes where no school-houses are erected, with the means of providing them, so as only to throw upon the inhabitants the burthen of paying the schoolmaster's salary, which ought certainly not to exceed twenty-four pounds a year. It appears to your Committee, that a sufficient supply of schoolmasters may be procured for this sum, allowing them the benefits of taking scholars, who can afford to pay, and permitting them of course to occupy their leisure hours in other pursuits. The expense attending this invaluable system in Scotland, is found to be so very trifling, that it is never made the subject of complaint by any of the landholders.

Your Committee forbear to inquire minutely in what manner this system ought to be connected with the church establishment. That such a connexion ought to be formed appears manifest; it is dictated by a regard to the prosperity and stability of both systems, and in Scotland the two are mutually connected together. But a difficulty arises in England,

which is not to be found there. The great body of the Dissenters from the Scottish Church differ little, if at all, in doctrine, from the establishment; they are separated only by certain opinions of a political rather than a religious nature, respecting the right of patronage, and by some shades of distinction as to church discipline; so that they may conscientiously send their children to parish schools connected with the establishment and teaching its catechism. In England the case is widely different; and it appears to your Committee essentially necessary that this circumstance be carefully considered in the devising arrangements of the system. To place the choice of the schoolmaster in the parish vestry, subject to the approbation of the parson, and the visitation of the diocesan; but to provide that the children of sectarians shall not be compelled to learn any catechism or attend any church, other than those of their parents, seems to your Committee the safest path by which the legislature can hope to obtain the desirable objects of security to the establishment on the one hand, and justice to the dissenters on the other.

The more extended inquiries of your Committee this session have amply confirmed the opinion which a more limited investigation had led them to form two years ago, upon the neglect and abuse of charitable funds connected with education. They must refer to the Appendix and the Tables, for the very important details of this branch of the subject; but they must add, that although in many cases those large funds appear to have been misapplied through ignorance, or mismanaged through carelessness, yet that some instances of abuse have presented themselves, of such a nature, as would have led them to recommend at an earlier period of the session, the institution of proceedings for more promptly checking misappropriations, both in the particular cases, and by the force of a salutary example. From the investigations of the commission about to be issued under the authority of an act of parliament, much advantage may be expected; and though it would not become your Committee to anticipate the measures which the wisdom of the legislature may adopt in consequence of those inquiries, with a view to provide a speedy and cheaper remedy for the evil than the ordinary tribunals of the country afford; yet your Committee cannot avoid hoping, that the mere report and publication of the existing abuses will have a material effect in leading the parties concerned, to correct them, and that even the apprehension of the inquiry about to be instituted may in the mean time produce a similar effect.

As the universities, public schools, and charities with special visitors, are exempted from the jurisdiction of the commissioners, your Committee have been occupied in examining several of those institutions; the result of their inquiries will be found in the Appendix. It unquestionably shows, that considerable unauthorized deviations have been made, in both Eton and Winchester, from the original plans of the founders; that those deviations have been dictated more by a regard to the interests of the fellows than of the scholars, who were the main object of the foundations and of the founder's bounty; and that although in some respects they have proved beneficial upon the whole to the institutions, yet that they have been, by gradual encroachments in former times, carried too far. While, therefore, your Committee readily acquit the present fellows of all blame in this respect, they entertain a confident expectation that they will seize the opportunity afforded by the inquiry, of doing themselves honour by correcting the abuses that have crept in, as far as the real interests of the establishments may appear to require it. If, too, there should exist similar errors in the universities, which have not been examined, your Committee willingly flatter themselves that steps will be taken to correct them, by the wisdom and integrity of the highly respectable persons, to whose hands the concerns of those great bodies are committed.

Your Committee are fully persuaded, that many great neglects and abuses exist in charities which have special visitors; indeed it so happens, that the worst instance which they have met with belongs to this class; and that no visitatorial power was exercised, until a few months ago, although the malversations had existed for many years. To this subject they therefore beg leave to request the speedy attention of parliament.

It further appears to your Committee, that as the commission about to be issued will be confined to the investigation of abuses, and as the information, in the parochial returns, is not sufficiently detailed respecting the state of education generally, a commission should also be issued, either under an act of parliament, or by means of an address to the Crown, for the purpose of supplying this defect.

In the course of their inquiries, your Committee have incidentally observed that charitable funds, connected with education, are not alone liable to great abuses. Equal negligence and malversation appears to have prevailed in all other charities; and although your Committee have no authority, by their instruction, to investigate the matter, and to report upon it, yet they should deem themselves wanting in their duty were they not to give this notice of so important a subject, accidentally forced upon their attention.

3rd June, 1818.

The Report was ordered to lie on the table, and to be printed.

EDUCATION OF THE POOR.] Mr. *Brougham* said, that since he had given notice of a motion to call the attention of

the House to the abuses in the administration of charitable donations, certain material changes had taken place elsewhere in the bill respecting the Education of the Poor, restoring in a limited degree its original vigour and efficiency; and so far reviving its powers as to induce him to forego that opposition with which it was his determination to meet it, had not the recent alteration taken place. When he last alluded to the bill in that House, the measure had been rendered a mere nullity; its essence had been wholly changed, and if it had come down again without its recent alterations, it would have been deprived of every portion of its energy and usefulness. It would have been exhibited as a powerless instrument, not only without one of those original provisions, by which the commissioners were to be enabled to execute the duties it imposed on them, but with provisions actually prohibiting them from carrying the original determination of that House into effect. He then regarded the bill, under its transmutation, as a mere mockery instead of a measure calculated to promote those objects which the framers of the bill, and the House which adopted it, had in view, and to have acquiesced in its agreement, would have made that House parties to the frustration of its own intention. He was happy, however, to be then enabled to say, that some of those amendments, (using the expression in a parliamentary sense) had been omitted in the final stage of the bill. The measure had so far regained a portion of its pristine efficacy and vigour; and though it was yet remote from that wholesome state in which it went from that House, it still contained sufficient of what was good in it as to induce him when he considered the late period of the session, and more particularly when he recollected the powers which the House of Commons yet possessed, to accept it, and to recommend it to the adoption of the House. It was, however, essential to explain the nature of the changes which were made.

The first to which he should advert was the limitation of the commissioners to one description of charities, namely, those connected with education. On what ground this limitation was enacted, he felt himself entirely at a loss to determine. It had been generally granted, indeed nothing was more manifest to the committee of that House, that abuses prevailed, not alone in the charities connected with education, but in all other public charities, of what description soever. If commissioners were to be sent round the country for the purpose of inquiring into the application of the funds of the charities for education —if they were enabled to call for the attendance of witnesses—if they could demand the production of documents, and prosecute inquiries into abuses as to education, it seemed to him very natural that they should also avail themselves of the opportunity of inquiring into other abuses admitted by all to prevail, although existing in charities not connected with education. Those superior persons, however, who sat in the upper regions of legislation, and who, from their elevated height, were better qualified to take a more comprehensive view of human affairs, thought otherwise and struck out that part of the bill. What! though the very steps these commissioners were to adopt in their investigation of abuses as to education, might lead to a just suspicion of similar abuses in other charities—though the scene for such respective inquiries was the same—though the same witnesses might be examined as to the application of the funds of respective charities—were they to be precluded by a positive provision of law from extending their research? Yes! The House must not expect those abuses to be examined. The mouth of any witness about to afford evidence of such abuses must be stopped, in virtue of the bill as it was now returned to that House. What! though the commissioners had before them the very witnesses who were called to afford information as to the charities of education, and who were capable of explaining the nature and extent of gross abuses in other charities—though they could demand documents, which proved that trustees of education funds had broke their trusts and were also trustees of other charities, and therefore just objects of suspicion, the very same deed which furnished evidence of the one containing also very often evidence of the other, nevertheless those superior intelligences who had, elsewhere, sat in judgment on the bill, thought that they should not be authorized to inquire into any abuses but those connected with education; and as, from their high authority, in that period of the session there was no appeal, he must be satisfied to take the measure as it was left. In like manner a practical change had taken place in the powers of the commissioners, as they were

originally directed by the bill to an investigation of the state of the education of the poor generally. However solicitous to obtain every information on that point, the committee of that House were, to an extent, precluded from doing so by many circumstances, over which they could not have control. A commission throughout the country was enabled to avail itself of all local means of information—it would have supplied the deficiency which the committee felt—it would have obtained the necessary knowledge with no addition of expense. Was it not a duty then to direct their exertions to such a desirable object? Oh no! Superior minds forbad it. "You must," said they, "do no such thing. You must confine your inquiry to one class of abuses. You must not presume to ask one question beyond the confines of charitable education." To that decision the House must bow—some, no doubt, from respect to the character, of those distinguished persons—some from a sufficient knowledge of their motives in the restriction—he himself must do it from necessity. When he saw that the consequence was nothing more than this—that a second commission, and then (for it must come to that) a third commission must be appointed (for, of course, as those great personages would not choose to embrace all the objects at once, a third commission must be issued), when all the objects of those commissions might be accomplished by the first, he could not sufficiently express his surprise at this determination, though he felt the necessity of submitting to it. This extraordinary conduct, this narrow, and illiberal, and imperfect view of the measure, reminded him of the old fable of a man, who being (to speak in legal terms) seized in fee of two cats, one of a larger size than the other, and being solicitous to make a communication between them on his premises, ordered that a large hole should be made in one place, and a small hole in another; and, certainly, the two cats passed through the two holes very conveniently, although they might have passed through one hole with much less trouble and expense to the owner.

There was also another change in the measure which he exceedingly regretted. The powers conferred originally on the commissioners were not only altered and abridged, but the House would hear, with astonishment, altogether abrogated. They were directed to traverse the country, and call witnesses to attend them, but they were to possess no power of enforcing their attendance, or of demanding the production of any one document. This to him was inexplicable. Whatever inference appearances might suggest, he was still bound to believe, that this was not done for the purpose of getting rid of the inquiry altogether; but it was the more inexplicable to him, when he recollected that the commissioners of naval inquiry, which originated with earl St. Vincent, passed through the House of Lords with the fullest possible powers to the commissioners over all the world—their superiors as well as their inferiors—giving them authority to commit the refractory, and to fine to the amount of 20*l*., and without any of the remedies inserted in the original bill. In the commission also under the Irish Education bill, which passed that House, the fullest powers were conferred on the commissioners. One should have imagined, that at least similar power would have been granted under the present bill. But as it stood then, neither the power of imprisoning nor of inflicting a fine, was allowed the commissioners. The extent of their authority was to go to different parts of the country, and call for volunteer evidence. He thought from what had been experienced, and even by the committee of that House, that he could throw a little light on the nature of this volunteer evidence; and on the manner in which the invitation of these commissioners would in most cases be met. That experience would prove how little likely an inquiry so restricted was to be effectual. The committee always found, that wherever their attention was directed, whether it was to a college, to a school, or to an hospital, the parties called before them uniformly commenced with expressing the greatest deference for the character of that House—their most anxious desire to aid the endeavours of the committee in a full and unsparing examination; and, indeed, their sincere thankfulness to parliament for having directed its attention to such inquiries. These were uniformly the sentiments with which these persons set out, no doubt with an equal claim to sincerity, as was possessed by the West India proprietors in the progress of another great question, but certainly not more important than the present one, the abolition of the Slave trade, when they expressed their heartfelt desire for investigation,

Yet no sooner had these strong feelings of solicitude escaped their lips, than, as in the case of other objects of anxious desire, either possessed, or about to be attained, but satiety began, and the appetite for farther enjoyment wholly palled. The second or third question put to those persons had generally the effect of making their anxiety to afford information altogether disappear. It was so in the case of Winchester school. "Produce," said the committee, "your balance sheet of last year, and a copy of your statutes."—"No;" was the answer, "we beg leave to put in a declaration that we have taken an oath not to divulge our statutes."—So that just as the parties were almost in possession of the very object which they professed to hold so dear, they declared themselves precluded by an oath from divulging their secrets. The committee expressed a desire to be acquainted with the terms in which the oath was worded; and it appeared that it was to the effect that none of their statements were to be divulged, except for necessary and useful purposes; and of this necessity and utility the fellows themselves were to be the judges. It appeared also that those statutes were produceable in a court of law, and the result was that the committee obtained a view of them.—Similar would be the obstructions with which these restricted commissioners would have to contend in their endeavours to elicit information from their volunteer evidence. He put it to his hon. and learned friend, the attorney-general, to say, and from his legal acquirements and practical acquaintance with the administration of law, no authority could be higher, whether any thing could be more clumsy, unsatisfactory, and inefficient, than to leave to those commissioners no other power to secure their object, than that of indictment against the demurrers for opposition to an act of parliament.

To what, then, had the House to look, as a security for having their object carried into operation? How was it that he now stood up there to recommend to the House to agree with this bill so amended (as he must technically say); but, as he must say, in point of fact, so greatly defaced? The House had in themselves the power of securing the original object of the bill, even where the difficulty hitched; and, seeing as they did, that the original measure was so mangled— that all the powers of the commissioners had been altered, that as the bill now stood, every thing was left to the good will of those who had an interest at variance with the spirit of the inquiry—he nevertheless had the fullest confidence that the powers they possessed would be exercised and that they would be productive of the most satisfactory result. To that security he looked as his only hope. The only means of effecting the great objects in view was, that the commissioners should proceed, and call witnesses; and that they should report occasionally to that House, and make returns of the names of all persons refusing to give the information required, or to produce the documents demanded, without alleging any just cause for such refusal. And as that House would, on its next meeting, re-appoint its committee, it would be enabled to supply the deficiency which the alteration in the present bill occasioned, by empowering that committee to call those persons before them. By these means, notwithstanding all the attempts and the subtilty of others, the House would be enabled to restore sufficient virtue and energy to this measure, and to make it something like what it was in its pristine state. He now came to another head of the subject. It was not alone to fundamental alterations that the changes which had been made in the bill in another place were limited; they affected even the division the House of Commons had made of the commissioners. The bill had originally appointed eight commissioners, making four boards, each as a check—a rival to the other. This principle was retained at present, but the mode of its operation was altered. The superior nature of the minds, who laughing to scorn the rashness of the original projectors, had perfected, by their grave deliberations, the present model of legislation, thought that the figure 3 was a better divisor of 8 than 2, and afforded a larger quotient of boards. Now, as the crude scheme of the House of Commons was framed, there were four boards of two each, calculated to proceed in their labours with expedition and emulation. As the bill stood originally amended, as was the phrase, there were two boards of three each, with two useless members over. So much for the arithmetic of those elevated legislators, who scouted the original bill in its rash and imperfect state. It was now in its final state provided, that there should be three boards of three each, therefore a ninth commissioner was

appointed. So that, on the whole, the alteration gave a division of commissioners capable of doing less work by one-third, and doing that diminished work at an increased expense of one-eighth. But that was not all;—very far from it. In the original bill the two Universities and four great public schools were excepted. When the bill was first discussed, one member moved to except Rugby; another proposed to except Shrewsbury; another Norwich; and, in fact, every member rose to propose an exemption for the school that was situated in the district which he represented. This would have rendered the measure perfectly nugatory, and it being so felt by the House, they rejected all those propositions, and the bill continued with its original exceptions. In order, however, to give a salutary reprimand to that House for such a decision, it had pleased the superior minds to exempt not only Harrow and Rugby, but all charitable endowments having special visitors. Now he would pledge himself to prove, that of all the charities in which abuses exist, none were greater or grosser than in those where special visitors were appointed. A variety of causes concurred to produce this evil. In some instances those visitors resided at a distance, and never exercised their powers; in others the visitor was the patron of the school, and did not correct abuses to which his system led; in others the visitor was the heir at law of the endower, and had rather pocket the funds than apply them to the proper purposes; and of course he did not visit his own sins very heavily on his own head. Indeed he could say positively that the grossest case of abuse that came before the committee, was of a charity where special visitors have been appointed, but who had never attended to their duties for twenty years. And though the evil was so ripe and rank as to have caught the notice of all persons in the vicinity, it never reached the ears of these special visitors till Christmas last. Here then, again, was an example of the vigour, the wisdom, and the enlarged and disinterested view that was taken of this subject in another place. But let not the House be disappointed in this way. Let them rely on the appointment of another committee next year. Let the commissioners report on all demurrers *in limine*, and the committee would turn their attention anew to the subject, break through the obstacles now opposed to them, and follow up the report of the commissioners with an intrepid searching, and unsparing investigation. The powers of the commissioners of naval inquiry had extended to all persons in the kingdom. They were authorized to investigate and to commit in default of satisfactory answers. Although their object was public, they were allowed to examine private individuals. They might overhaul the books of any merchant in the city, and commit him to Newgate if he refused to answer their inquiries. Why refuse to grant similar powers in the present instance?

One objection which had been made to the present bill was, that it gave no hint of any other measure by which it was to be followed. He had heard various objections made to many bills. One objection that he himself had to the present bill, as it came from the other House, was, that it had no penalty clause; another, that it had too many exempting clauses; but who had ever before heard it objected to a bill that it contained no hinting clause—no clause stating what was to come after it? Who had ever before heard it objected to a bill that it was one measure and not twenty? The objection was, that the bill was a whole and rounded measure (a description that he was sure would not apply to some of the bills that originated in the place in which that objection was made), that it was confined to actual enactment, and did not contemplate any prospective proceeding; that it had no view to any thing that was to come at the end; that it did not contain an appendix to the reader, telling him what work was to come next. Was it not enough that the bill had so suffered, that it had been laughed at and torn to tatters, but it was first to be tortured and then destroyed, if it did not contain what was to come next in the course of legislation on the subject in the ensuing session? The novelty of this objection was such, that he really did not know how to deal with it, and should, therefore, make no farther remark upon it. Of this he was satisfied, that notwithstanding all that had been done to diminish the efficiency of the measure, the knowledge that such an inquiry was going on, and that a half yearly report of its progress was to be made to the House of Commons, would even if no legislative proceeding were apprehended to be founded on that report, do great good in checking abuses, and in holding out a warning to those who were

implicated in them. A number of the objections which had been made to the bill, were grounded on the confidence which those who made them reposed in courts of law, as affording the means of correcting abuses. He confessed that he himself had not much reliance on courts of law in that respect, especially with reference to expedition and cheapness. He allowed those courts the possession of learning without stint. He allowed them great copiousness, great power of drawing out written argument. The faculty of caring nothing for the time and patience of suitors and the hundreds of thousands of their clients money they enjoyed in a perfection which the wildest sallies of imagination could not go beyond. But as to expedition and cheapness, and attention to the comfort of those who were involved in the business of those courts, they were qualities by which they were certainly not distinguished. If he had previously doubted this fact, the evidence that had been produced before the committee only two days ago would have completely established it in his mind; for a more touching scene than was then exhibited, perhaps, had never been before witnessed. The committee had been inquiring into a charity that existed at Yeovil. He thought it was there, but he did not distinctly recollect the place; however the case was calculated most strongly to prove the existence of the evil which it was the object of the measure to remedy. It appeared from the testimony of three most respectable churchwardens who had devoted their time to the investigation of an enormous abuse in the parish, that of an income of 2,000*l.* bequeathed to a charitable purpose, not above 30*l.* or 40*l.* were rendered available to it. Questions and answers to the following effect passed between the committee and those individuals. Q. Why did you not go into a court of law—there you would have found a remedy? A. We did.—Q. Did you go to the court of Chancery? A. We instituted proceedings there eight years ago.—Q. How long did they continue? A. We are not out of the court yet. The first witness examined: "I have paid 1,300*l.* costs, and have received only 300*l.* of them from the town." Q. Have you obtained no relief? A. Oh, it has ruined us.—Q. Have you found the other expenses heavy? A. Oh, good God, I have a thousand times wished myself out of the world; it has entirely ruined me; it has destroyed an excellent business of which I was possessed. The second witness examined: Q. What have you experienced with respect to this case? A. It has cost me 500*l.* already and I fear I do not know the worst of it. The third witness examined: Q. Have you suffered any thing by this suit? A. My heart is almost broken; indeed, my nerves are so shaken by the losses which I have sustained in the prosecution of the affair, that I scarcely know what I do; it has been the most grievous thing I ever knew. I have a wife and several children; and I beg leave to add that unless the committee allow me to leave town to night, I do not know what will become of them. The whole appearance of the man bore ample testimony to the truth of the dreadful account he gave of his condition. So much for that instance of the advantage of resorting to a court of law. Sir G. Paul a man of the most estimable character, who had devoted a long and useful life to the advancement of all that was calculated to benefit the poor, had, on the discovery of an abuse of a similar nature in a charity of 50*l.* or 60*l.* per annum, betaken himself to the same cheap and expeditious remedy. The House had already heard the general result of such steps, he would now show them a little of the mechanism by which a man's fortune and health and happiness were ruined. After the necessary preliminary steps, the cause was put on the paper in the court of Chancery in December, but was ordered to stand over. Again it was put on the paper, and again it was ordered to stand over for three days. On the 21st it was actually called on, but the court made up its mind that it would not make up its mind. On the 9th of April, for which it was fixed, the court with its usual promptitude determined that it would not determine. On the 13th of May it came on, and the court pronounced on one point, expressing its opinion that a certain lease was void, but reserved its judgment on other points. To elucidate those points the court took home the papers, and no more was heard of the cause for many months. The papers being taken home was a kind of respite and a suspension of proceeding, which relieved from expense during the time they were considering. The counsel both for the plaintiff and for the defendant however applied for judgment; but it was postponed to the 20th of January on which day it was not judged. Two days afterwards the same occurrence took place.

It was then decided that it should not be decided until another day on which other day it was again decided that it should not be decided until another day on which other day it was again postponed. It was appointed positively for the 29th of February, there being but 28 days in that month. It was of course again deferred, and then again. On a subsequent day it was mentioned. This word "mentioned" was a light and airy word in that House, but in the court of Chancery it was attended with fees to the counsel, fees to the agents, fees to the short-hand writer —in short, a "mention" was not the most unexpensive and agreeable proceeding that could befal a suitor. Some days after the court acknowledged that it had mislaid the papers which so many months before it had taken home to peruse, and desired that a brief (attended with considerable expense) might be left with the court. On the 17th of March it was again called on, and at length it was—not decided, for decided it was not unto the present moment, but it was referred to the master.

One objection to the bill under the consideration of the House was, that it would be very expensive. It had been said, that to institute an inquiry into small charities, would, in most cases, be to induce an expense greater than those charities were worth.—The rapid intellects by which this opinion was pronounced, did not perceive that the very thing wanted was an inquiry into these small charities; for a charity, although it might appear to possess but a fund of five shillings a-year, might in reality be possessed of a fund of a very considerable amount. The history of the suit, which this digression had interrupted, proved, however, that the course preferred by the objectors to the expense of the inquiry by committee, was somewhat more expensive. It was sent out of one expensive court into another expensive court—out of the court of Chancery into the Master's office. Not to the present moment had a day been appointed to take it up. It would have to run the gauntlet of all the proceedings in the office; exceptions would then be taken to the report; those exceptions would be most ably, and learnedly, and elaborately argued by counsel, but, he apprehended, not so concisely and cheaply as they would be by the commissioners. It would then be sent back to the master for revision, &c. &c.

"And find no end, in wand'ring mazes lost."

The conclusion from all this, in his mind, was, that the court of Chancery might be excellent for many purposes, but that to the suitors in it it was ruinous. It might be an ornament to the state, it might be beneficial to those who belonged to it, but to those who were so unfortunate as to resort thither for equity it was irremediable though certainly not immediate ruin. And here he begged to guard himself against being misunderstood. He unequivocally disavowed the intention of throwing the slightest imputation on the integrity, on the talents, or on the incomparable and unprecedented learning of the noble and learned lord at the head of the court of Chancery. He sincerely believed, that from the days when English law and equity were separated to the present time, there never had been any individual in that situation more anxious to do justice to all parties. He believed he might say with equal confidence, that that noble and learned lord's unrivalled sagacity and subtlety were unanimously acknowledged by the whole profession, and that he was by far the man of the most wonderful legal learning that had for ages appeared in any of our courts. This was not merely the expression of his own unfeigned reverence and admiration of the great qualities by which that noble and learned lord was distinguished—he knew he spoke the sentiments of all the profession, common lawyers as well as chancery lawyers. That the learning and subtlety of the noble and learned lord were unexampled was the opinion from one end of Westminster Hall to the other. He must add, that a more kindly disposed judge to all the professional men who practised in his court never perhaps existed. But notwithstanding all these good qualities on the part of the noble and learned lord, it was his (Mr. Brougham's) duty to say, that there was a something in the court of Chancery that set at defiance all calculations of cost and time, and rendered the celebrated irony of Swift, when he made Gulliver tell the worthy Hynynhmn, his master (what he says, his honour found it hard to conceive), that his father had been wholly ruined by the misfortune of having gained a chancery suit, with full costs, not only not an exaggeration, but a strictly correct description of the fact. Having dwelt at such length on this part of the subject, he should compress what he had to say in as few words as possible. He was convinced that the time was at hand when the unanimous sense of

the country would be declared on this subject, and when the most anxious wish would be generally expressed for a full, unsparing, and honest investigation of those notorious and shocking abuses. It belonged to that House, and to that House alone, to confer such a benefit on the community. If they sat supinely, and sent out commissioners without taking effective steps to render the labours of those commissioners effective, their proceedings would be a mockery, and not a real advantage. The commissioners might traverse the country, they might hold their sittings, they might show a good will in the cause, they might invite persons to attend, they might frame questions to be put to those persons, they might expect answers, but they would solicit them in vain, unless they were backed by the House, unless it were universally known, and that night recognized, that the House was resolved to do its duty. Unless it did this, it would occasion the utmost irritation, inflammation, and exasperation in every parish from one end of the country to the other. The eyes of all were opened; they were steadily fixed on the subject, and in proportion to its magnitude and importance was the intensity of the interest excited. This was a feeling which pervaded every province—it dwelt in every parish—it haunted every hamlet. It every where called loudly for investigation and redress. There was no part of the country so remote, there was no district so trifling in wealth or number of inhabitants, there was no sphere so circumscribed as not to comprehend within it some bequest for charitable purposes. Every where a local, as well as a general feeling, was most strongly entertained. Both from the poor, who were immediately interested, and from the rich, who, if the poor were deprived of their right, would be compelled to maintain them, the cry was gone forth, and they all looked to that House for the means of remedying the evil. It was the duty, and he trusted it would be the pleasure, of that House to answer the call, and to institute the required investigation. There was but one way of doing so—it was, by resolving to re-appoint the committee in the next session of parliament—to constitute it of the same individuals—to clothe it with the same powers as at present. Let that be done, and he cared not for the mutilations which the bill before the House had suffered elsewhere. The committee would supply all the deficiencies which these mutilations were calculated—he feared he might add, were intended—to create. I cannot sit down (concluded Mr. B.) without once more adverting to a most interesting topic, to which I drew the notice of the House when last I had the honour of addressing them. Every day has discovered to the committee more and more proofs of the munificently charitable disposition of individuals in former times.—What I wish you to do is, only to turn with grateful attention to the benevolence of your forefathers, and to endeavour to prevent the memorials of that benevolence from being defaced. We are occupied in raising monuments to the glory of our naval and military defenders, and fashioning them of materials far more perishable than their renown; all I ask is, that we should protect from the operation of time, and from the injuries of interested malversation, those monuments of the genuine glory of our ancestors; those trophies which they won in a pious and innocent warfare, and left to commemorate triumphs unmingled with sorrow, unpolluted by blood; gained over ignorance, that worst enemy of the human race, and over her progeny, vice. Thus we shall perform a greater service to the public; we shall contribute more to exalt the name and the fame of this country than by all the other acts of public munificence in which, as a great and a victorious nation, we have been justly indulging. Whatever may be attempted to impede the attainment of this desirable object, I hope that in the next session we shall so vigilantly protect the commissioners in the execution of their duty, as to prove to all persons that any efforts to frustrate the views of this House, and to defeat the hopes of the country, are vain; and I trust, that all who have hitherto obstructed, or who may yet endeavour to thwart our views, whether from an interested dread, lest their own malversations should be detected, or from scarcely less base fellow-feeling for the malversations of others, or from a silly and groundless fear of they know not what danger—that all who, on whatever grounds, hold out a protecting hand to corruption, from the hereditary enemy of improvement and the mitred patron of abuse, down to the meanest peculator in the land, may learn that the time is gone by when the poor could be robbed with impunity. The hon. and learned gentleman then moved—

"That an humble Address be presented

to his royal highness the Prince Regent, praying that his Royal Highness would be graciously pleased to issue a Commission to inquire into the State of Education of the Poor throughout England and Wales; and to report from time to time to his Royal Highness, and to this House thereupon."

Lord *Castlereagh* said, that he went along with the hon. and learned gentleman in thinking that the subject was one of those to which, now that the blessings of peace had been happily restored, parliament ought to turn its attention. He was disposed also to admit, that the inquiry was calculated not only to remedy the abuses in question, but to excite additional interest for those charities, respecting which it was instituted, and to call back the attention of the persons connected with them to their proper objects. But if the hon. and learned gentleman looked at the nature of the bill, he could not be surprised, that a measure sent to the other House, so little resembling in scope and character the inquiry out of which it was supposed to have grown, should have there met with difficulties which appeared insurmountable. The committee had been appointed to inquire, not into the charitable institutions of the country, but into the education of the lower orders; and, although their report related to objects beyond that which they were appointed to investigate, the hon. and learned gentleman extended the enactments of his bill beyond even that report, and introduced a provision to authorize the appointment of a commission to continue the inquiry. He could not conceive any hope more illusory than that held out by the hon. and learned gentleman, that the commission would be enabled to execute its task in a short time, or without occasioning those evils, the existence of which in the court of Chancery the hon. and learned gentleman had described with so much exaggeration. Could that House stand the criterion which the hon. and learned gentleman had applied to the court of Chancery? Were the Order book taken, and the various delays which the pressure of business might occasion in any particular motion to be noticed, it might, by such a partial view of the subject, be frequently alleged, that the House of Commons postponed for months, very wise and important measures. Could that be urged as an imputation on the ability or attention of the House of Commons to its duties? He certainly knew it could not, as the motives for such postponement could be easily explained, as no doubt could those cases mentioned by the hon. and learned member with respect to the court of Chancery, and he hoped that those gentlemen who were more acquainted with that court than he could be supposed to be, would defend it from such unmerited imputations. The hon. and learned gentleman had made an unfair attempt to run down the character of the legal institutions of the country. Not the court of Chancery alone, but all the courts of law would suffer, if tried by the hon. and learned gentleman's criterion. Whether it was a court of assize, the court of King's Bench, the court of Common Pleas, or any other court, that delay would occasionally occur, which was inseparable from the administration of human affairs. To agree to the address proposed would, in his (lord Castlereagh's) opinion, be, to deprive the other House of parliament of the fair exercise of their functions. The hon. and learned gentleman contemplated the probability of a renewal, next session, of the committee. In that event, there would, were the present motion agreed to, be two commissions—the one legislative, the other royal, and a committee of the House of Commons, all inquiring into the same subject. The best course, in his opinion, would be, to let the commissioners proceed with those powers, which, though not so great as the hon. and learned gentleman wished, and intended to make them, were yet very great. At an early period of the next session, the House would receive some report from that commission, which would enable them to judge of its efficiency. A farther range to their operations might then be proposed if it were deemed advisable. Nothing, in his opinion, could be a more imprudent course for the House to pursue, than that which had been recommended by the hon. and learned gentleman, who had called on them to do that by address to the Crown, to which the other branch of the legislature had refused to give its sanction as a legislative measure. He considered this attempt calculated to produce such a collision between the two Houses, as must detract from the respectability of the proceedings of parliament. The hon. and learned gentleman had thought it enough to leave his proposition on the table, and that he might absent himself immediately afterwards, but he did entreat the House,

whatever might be the intemperance of the hon. and learned member, not to take the first moment after the modifications which the other House had thought proper to give to the measure, to address the Crown to adopt that course, of which the other House had disapproved. The House ought rather to confine themselves to the branch of inquiry which they originally destined for the committee, and to rest on that basis for the present. There could be no objection to making the other branch of inquiry the object of another legislative measure in another session. If the House wished inquiry into the other charitable institutions of the country, there was nothing to prevent them from agreeing to such an extension in another session. On the contrary, he thought a great deal might be gained by the agitation of the question during the interval. Really, when he looked into the extent of the hon. and learned gentleman's bill, as it was sent up to the other House, he was not surprised that the Lords should not be prepared at once to assent to the whole of it. There were eleven thousand parishes in England and Wales, and there could not be less than between forty and fifty thousand charitable institutions included in the bill as it originally stood. He really thought that in the bill, as now modified, there was sufficient to occupy the commissioners till another session.—On these grounds he submitted to the House that a case was not made out, either from necessity or prudence, to justify the House in doing that by themselves, by address to the Crown, which could not be obtained this session in the shape of a legislative measure. The speech of the hon. and learned gentleman to-night, had disclosed sentiments with regard to one of the branches of the jurisprudence of the country, namely, the courts of equity, which were calculated to degrade it in the eyes of the country. It was greatly to be wished, that in a matter of so much importance the utmost temper should be observed. He was sure, that an inquiry, to be useful, must be pursued in the spirit of temper and moderation; and if it were pursued in such a way, every honest man must wish to see the object of it accomplished. If the address should be carried, one set of commissioners appointed by the Crown, and another set of commissioners appointed under the bill of the hon. and learned gentleman, would be carrying on their inquiries at the same time, and he conceived that nothing could prove more injurious than the unnecessary complication which must thereby be introduced. He would therefore conclude with moving the previous question.

Mr. *Brougham* said, as the noble lord had conceived he had acted somewhat disrespectfully to him in leaving the House immediately after submitting his motion, he wished to inform him that he was only in the gallery, and that not a word the noble lord had said was lost to him.

Lord *Castlereagh* remarked, that he had not seen the hon. and learned gentleman in his place, and that he had therefore believed that he had left the house. It was at least not very usual for a member, after making a motion, so to withdraw himself, as to leave the House in uncertainty whether he was present or not.

Mr. *Brougham* replied, that although he usually sat in a particular part of the house, he had not conceived the sight of his face to be necessary to the noble lord in making his speech. He was not aware that the effect of the arguments of the noble lord was at all injured by the accident of his not seeing him.

Sir *Samuel Romilly* said, that having been so directly called on by the noble lord, to state his opinion as to the chance there was of obtaining any remedy in cases of abuse of charitable trusts through the court of Chancery, he felt he should be acting improperly towards the House, if he did not answer that call. He most sincerely thought that in such a case the remedy which the court of Chancery was capable of affording was not an adequate remedy, and that it was impossible, through the court of Chancery, to obtain redress for the abuses of charitable institutions. There were expedients of delay peculiar to that court, which, if resorted to, as they naturally would be in such a case, would throw such obstacles in the way of obtaining redress as few would be disposed to encounter. And when he considered that an information in the court of Chancery would be filed by some stranger, who had not, like a suitor in Chancery, an interest in the result of the decision, it could not be expected that such a person would be disposed to put himself to the great expense which this would occasion, for the public benefit. The delay and the procrastination might occasion him to lie out of a great expense for a number of years. If a person hearing of any abuse, should think of having an information filed, he

must lay his account with disbursing a great sum of costs, with the chance of recovering, if he gained the suit after a great number of years, strictly taxed costs. It would be difficult to find a man so public-spirited as to advance a great sum of money to carry on a cause in which he had no personal interest, imputing gross misconduct to a neighbour, with a chance of recovering a part of his expenses after so great a lapse of time. A bill had a year or two ago been introduced by an hon. gentleman, to which he proposed an amendment, which afterwards became a separate bill, providing that all stamp duties should be dispensed with, in cases of this description, which would consequently have been a great saving of expense; but it had been decided by the court of Chancery, that this provision did not extend to actions against persons who had got lands of charities into their possession. With respect to the proceedings in the court of Chancery, there was no man who practised in that court who must not be convinced, that very great expedients of delay might be resorted to in it, which ought not to exist in any court. His hon. and and learned friend had conceived these expedients of delay to belong necessarily to a court of equity; but it was his opinion that a great part of the abuses in the court of Chancery might be remedied, and might be remedied without any legislative interference. He considered himself at present as giving evidence with respect to the court of Chancery; and he had no hesitation in saying, that if gentlemen went to vote with an idea that a remedy for abuses in charities might be found in a court of chancery, they would be voting under an erroneous impression.

Mr. *Bathurst* believed, that the mixing of other charitable institutions with those for education in the bill, had not occurred to the hon. and learned gentleman himself till a late stage of the measure.

Mr. *Brougham* said, in explanation, that he had stated to the House when he first brought in the bill, that he had so drawn it up that this addition might easily be made if the House thought fit, though the committee could not include other charities in their report, not having been instructed to do so.

Mr. *Bathurst* proceeded to observe, that it might be convenient that the commissioners, as they went through the country in twos and threes, should inquire into the state of other charitable institutions at the same time that they inquired into the management of funds for education. But the great question was, what were the funds for the education of the poor? Till that was ascertained they could have no knowledge of what supplementary measures might be necessary for rendering the education of the poor more complete; and the commission would enable the House to ascertain it. With respect to the power of committal, it had been thought that it might have the effect of deterring persons from entering on the discharge of a laborious and honourable duty, if they thought that they subjected themselves to be committed to Bridewell, if, from misapprehension, perhaps, they did not give such an answer to any question put to them respecting any trust, as might happen to please two commissioners of whom they knew nothing. With respect to the inquiry into the general manner in which the poor were educated—whether, for instance, Bell's or Lancaster's were the better mode—that was a wide field of inquiry, and quite of a different nature from what was originally understood to be proposed. Undoubtedly he did not see any objection to such an inquiry; but when the question was, whether they should take it into their own hands or wait till another session, when the concurrence of the other branch of the legislature might perhaps be obtained, he thought the latter course ought to be pursued. He was sorry the motion had been introduced, because the speech of the hon. and learned gentleman betrayed an angry feeling, with respect to a noble and learned friend of his. This was the fact, notwithstanding the compliments which the hon. and learned gentleman had paid to the exalted individual to whom he alluded. Feeling with his noble friend, that the proceeding now recommended would be likely to produce discord between the two branches of the legislature—and conceiving that a little delay would not create any evil result—he should support the motion for the previous question.

Colonel *Ellison* hoped that parliament would show that they were an effective parliament. He could not permit his countrymen to be deceived by specious arguments. The House stood on this question between the dead and the living. Charitable and patriotic persons had bequeathed their money for the benefit of infants and of the poor. Would the House, for frivolous and scarcely intel-

ligible reasons, allow such benevolent and useful charities to be misapplied? He thought that the inquiry ought to extend to all charities—those for the relief of old age, as well as those for the education of youth. Was he addressing a British senate or not? He had sat in that House for twenty years, and he had never heard such a monstrous proposition as that it would be improper to inquire into the abuses of the funds for supporting infants and educating of the poor? He had heard allusions made to good men who were trustees, but good men might not perhaps have done their duty, or the trustees might not perhaps be good men. It was said, that such a measure would provoke too much inquiry. But what honourable man would shrink from inquiry? He was a trustee to many charitable institutions, and he courted investigation in its fullest extent. He certainly should vote against the previous question, and against passing the bill in the disgraceful state in which it had been returned to them from the other House.

Mr. *Abercromby* said, he should certainly vote for his hon. and learned friend's motion. The question was, whether, when commissioners were appointed, it would not be a saving both of time and money, if instructions should be given to them when they inquired into the funds for the education of the poor, to inquire at the same time into the general state of the education of the poor. They would be quite at a loss to know how to proceed with respect to the disposal of the funds, if they did not know what was the state of education in the parts of the country where the funds existed. They ought not only therefore to know what were the funds, but what was the state of the education of the poor, otherwise the necessary consequence would be, the appointment of another commission, to do that which might be obtained at once by acceding to the proposition of his hon. and learned friend. With respect to the other proposition, of extending the inquiry to all charities, nobody in the House doubted that great convenience would attend uniting this inquiry with the other; indeed, it was not well possible to separate the inquiries, as charities for education were often closely connected with charities for other purposes. If that was the true feeling of the House, he should be glad to know what objection there could be to unite the two inquiries? It was said to agree to the motion would be to entangle the House in a dispute with the other House; but he could not anticipate any such result from it. He thought such a result was much rather to be expected from the course proposed by the right hon. gentleman, namely, to go next year and call on them to concur in a measure which they had already rejected.—The Lords would be sure to reject such a bill, because there was no part of the bill of his hon. and learned friend to which the Lords had shown so early and decided a reluctance, as to this part of it. The proposed proceeding was neither disrespectful nor unconstitutional—and if, as was generally believed, the investigation would disclose abuses of a most shameful nature, the House would not be performing their duty to the country, and particularly to those whom they were especially bound to protect, if they did not afford every facility in their power for the discovery and cure of those malversations which were so dishonourable to all those connected with them.

Mr. *Lockhart* said, that, whatever opinion the gentlemen opposite might have of the measure the House could not but be obliged to the hon. and learned gentleman, who had again given it an opportunity to re-assert its opinion as to a subject of the greatest importance.—They had sent up to the Lords a bill, giving effectual powers to a commission, and giving the Crown also the power of granting salaries to the commissioners. The House had taken away the powers which could make the bill effectual; and it was now calculated only to mislead the commissioners and the public. It was certainly never in the contemplation of the House to grant salaries to commissioners, who did not possess what they deemed effectual powers. No persons, by the amended bill, were to give evidence, but those who volunteered to do so. The result, therefore, would be, that no evidence would be given in the worst cases of abuse, or only by those who had uncertain, loose, or traditional information. The inquiry, too, was restricted to charities which were solely for education. But it happened that there were very extensive charities, which were intended for various purposes among which education was one. The hon. member alluded to the very extensive charities known by the name of sir Thomas White's charity. With regard to the objection that the

bill would operate to dissuade honourable men from accepting trusts, if this was meant to apply to charities hereafter, he conceived it had very little force; for unless some security was established against future peculation, no individual would again leave his money to such purposes. If the objection applied to past benefactions, he was afraid that the majority of present trustees were not men of strict honour. There was no doubt that the original trustees were; but, in the lapse of half a century, these trusts frequently fell into strange hands, and had always a tendency to lose their natural guardians. The noble lord had suggested the propriety of making their proceedings harmonise with those of the other House; but he must here call their attention to the failure both of Mr. Gilbert's bill in 1780, and his own twenty years afterwards to enable the trustees of existing charities to register their funds with the clerk of the peace to save them from future dilapidation, in causing adequate returns—a failure that could not have happened if the provisions of the bill had been honestly complied with. But what was the fact? Out of 40,000 charities, which were supposed to exist in the country, only 600 memorials had been sent in for enrolment, pursuant to the directions of the act. It was obvious then that some compulsory power was necessary to correct this disposition to concealment, or the whole intention of the inquiry would be frustrated.

The *Chancellor of the Exchequer* objected to the motion, as it was an attempt, by way of address to the throne, to take away the power of the other House of Parliament to negative a measure. The bill had been sent back to them amended, and the hon. and learned mover, by his address, attempted to destroy those amendments, not by the ordinary mode of negativing them, but by addressing the Crown to desire it to act in contravention of them. There were two courses which they might regularly follow—to negative the bill which had been sent back, and to send up another to the Lords, or to negative the amendments; but the present proceeding would force the Crown to act in contradiction of the wishes of one or other House of Parliament. He had said this, supposing they were all agreed that the proposals of the Lords were inadmissible; but he thought there were much substantial reason in those measures. The inquiry which was proposed by the bill as it now stood, would, in his opinion, have a most beneficial effect; and if all that was originally intended was not carried into execution, yet a great deal might be done upon which important legislative measures might be founded. The present inquiry would go to see how the funds were applied, and if abuses, which no doubt existed, were fully made known, such measures might be founded upon them as would effectually tend to place the charities upon their original foundation. The appointment of another set of commissioners besides those which were contemplated by the present bill, would only tend to create embarrassments, and besides be attended with a vast expense, which was a consideration by no means to be overlooked. He thought it would be more advisable to be content with inquiring into the funds devoted to education in the first place, leaving the state of education as a supplementary subject of inquiry hereafter.

Mr. *John Smith* expressed his disappointment at the speech which he had just heard, as he had felt assured that the right hon. gentleman would be friendly to the motion, both as it regarded the education of the poor, and the correction of the shameful abuses of the charities for promoting that object. He thought it most important to retain the words "all charities" in the bill, because, from long attendance on the committee he was satisfied that it was not in the power of government, or of any other authority at present, to put an end to those abuses, unless they were fully and accurately informed of the nature and extent of the evil; and this they could never expect to be without the most minute inquiry into it. Several recent voluntary disclosures rendered it impossible for any man to shut his eyes to the imperious necessity of instituting a strict and effectual inquiry into the administration of all charitable funds. With regard to an indisposition on the part of trustees to undertake that office if this bill were to pass, he was quite sure that it was at least not a general feeling. The bill exempted the schools of Quakers and, yet he was authorized to say from that respectable body of men, that they had not only no objection to the examination of their few charitable schools, but that they should rejoice at finding them made the subject of parliamentary inquiry. Whoever knew

them, knew that they could have no apprehensions of such an investigation, nor could he conceive how any honest man could entertain any apprehensions. He was sure that inquiry would not be much longer deferred, for that many highly-respectable persons felt themselves reflected upon in their character of trustees, and were earnest in their wishes for the present inquiry. For these reasons he should give the motion of his hon. and learned friend his most decided support.

Sir *F. Burdett* said, that if any thing were calculated to give greater weight to the eloquent and convincing speech of his hon. and learned friend, it would be the fair and manly statement which had been made by the hon. gentleman who spoke last, for he could not conceive that any thing was more natural than that those who had conscientiously discharged their duty should not shrink from inquiry. The chancellor of the exchequer had attempted to put the question on a point of technicality, but he could not see how the argument of that right hon. gentleman could be maintained. What was there improper, he would ask, in the House addressing the Crown, to carry into effect a wish which it had before expressed? He did not think the House were to be precluded from this, their undoubted privilege, because it had happened that in another place a bill, which had been sent up had been mutilated in a way to take away the benefit which might have been expected from it in a degree which would almost justify them in rejecting it altogether. He thought it impossible that the objections which had been reported to have been made to the measure, were such as could have suggested themselves to any honourable mind. Those objections were said to have come from a high legal authority, from the head of the great court of equity, the lawful protector of those who had none other to protect them, the guardian of the friendless. What candid, equitable, or honourable motives, had led to those objections, he could not devise, but let those motives be what they might, the House would, he hoped, be disgusted at the obstructions which had been devised, and would feel the propriety of agreeing to the motion of his hon. and learned friend, and thereby setting the measure, as it were, upon the same footing upon which they had before placed it. No technical objection should be suffered to destroy such a measure, but he saw no one which applied to the case. It was an exertion to rescue that property which was intended for the benefit of the poor from the hands of those who seemed only anxious to live by its plunder; and here he could not forbear expressing his thanks, and that which he conceived ought to be the thanks and gratitude of the House and the country to his hon. and learned friend for the zeal, the ability, and perseverance with which he had begun and followed up this great and important undertaking, for the great labour he had bestowed upon it, and the masterly manner in which he had urged it in the House. He trusted the House would appreciate these circumstances, and not consent to an object of such importance being defeated. The noble lord (lord Castlereagh) had spoken with disapprobation of the tone of the speech of the learned mover. He could discover nothing in that speech which could have drawn down the noble lord's dissatisfaction, unless it were the tone of commiseration with the unprotected—the tone of indignation at scandalous malversation —the tone of indignation at plunder of the worst description—the plunder of the poor and defenceless, and at the violation of property consecrated by the best of feelings to the best of purposes. It appeared that the charities in this country, for the support of the aged and the young, for the instruction of the ignorant, exceeded in amount what those who had not inquired into the subject could have conceived. It appeared also, that the abuses by which they were diverted from their proper purposes kept pace with the efforts of charity. Was it possible to deny, that it was the peculiar duty of the House to inquire into those abuses, and to take effectual measures for remedying them. He was anxious, for his own part, that the investigation should have been carried through by a committee, as he had more confidence in a committee, especially when assisted by persons as vigilant and active as the learned gentleman. He looked to commissions also with jealousy. When he saw the abuses which existed in almost every department in the country, in schools, in prisons, in the navy, in the army, the delays which existed in the court of Chancery. He would not call them abuses, for he rather thought the whole system was an abuse in itself, and it was evident that such delays existed to a terrible extent,

from the immense sum to which at the present moment the unclaimed property in Chancery amounted; a sum so great, that he was almost afraid to name the millions of which it was composed. When he recollected those which had crept in even in the management of commissioners themselves, when he saw that his majesty's ministers never proposed any inquiry of their own accord, and even took it as a sort of praise when they had not opposed those which were proposed by others; when he reflected upon these circumstances, and still farther, when he saw that the result of some commissions was a baffled inquiry and increased expense, he could not but regret that the matter was not, as was originally intended, kept within the control of the House itself, and not made, as the appointment of the commissioners now was, a source of additional patronage to the Crown. But the benefits which were originally intended by this bill were almost entirely done away with, by the amendment, or rather the emasculation, which it had suffered in another place. The hon. and learned mover had stated loose facts, but serious abuses. He had stated the condition in the court of Chancery, which made it doubtful whether that court was not itself an abuse. To delay was to deny justice, to make it expensive was to sell it. Yet the unclaimed property in that court amounted to millions, and those who gained their suits were often ruined by the justice of their cause. This was, he conceived, contrary to the king's oath. The king's oath, at his coronation, was "nulli negabimus, nulli deferemus, nulli vendemus rectum vel justitiam;" the answer of the subject now was, "negatur, defertur, venditur," not sold in one sense—bribes were not given to the judges, but what mattered it to the individual, whether he was ruined by giving bribes to judges, or by any other unnecessary expense? As there were sister arts of poetry, painting, &c., so there were sister abuses, and this abuse was closely connected with the misapplication of charitable funds. Whether this abuse arose from the construction of the court itself, or from the (as it was said) incomparably learned judge who sat there, he could not say—but it was worthy of serious attention, and if he might venture to suggest such a task to any gentleman, he saw beneath him a learned gentleman the most able to point out a remedy. Meantime, the scandalous and impious abuses of charities called for a remedy. What sort of trustees those who were called honourable, yet who opposed inquiry, must be, he should leave to the good sense of Englishmen to determine. He begged of hon. members to reflect upon the number and extent of the abuses of several charities, which had been already discovered—to consider the evils which those abuses were calculated to entail upon a large portion of society—the many hundreds, he might say thousands, of young persons who were left in ignorance that might have been instructed, and the numbers of the aged who were suffered to pine in poverty in their declining years, while the funds intended for their support were put into the pockets and converted to the use of a set of beings who fattened upon instead of applying them to their original purpose. He begged the House would consider these circumstances, and he was satisfied they would pause before they consented to throw any obstruction in the way of a motion whose object was, to come at the speediest method the case afforded of checking those evils in their progress. The country were interested in the measure, and would not, he was satisfied, be content with any thing short of a minute inquiry into it. The House could not take more effectual means to answer the ends of those who were disposed to vilify it, than by sitting while the abuses alluded to existed, and refusing to give efficacy to that measure which could alone correct them. He hoped therefore they would stretch forth their powerful hand to secure to the poor the enjoyment of those charitable funds which at once tended most materially to diminish the sum of human misery, and to exalt the moral and beneficent character of the wealthy of this country in the eyes of the world.

Mr. *Canning* proposed to confine the few words he had to offer to the House, exclusively to the motion before it, and would therefore pass over nearly the whole of what had fallen from the hon. baronet who had just sat down, as also the greater part of the speeches which had been previously made. In order to avert the imputation of any motive which did not belong to him, he begged that it might be understood he did not abstain from noticing the speeches he had alluded to, because he was in principle an enemy to the projected inquiry. He had never uttered a word, nor given a vote on this subject, but in furtherance of that object

He had no difference upon it, express or other, from the mover, but as to the mode in which he proposed to carry his plan into execution. That he might act with candour he would now say, that if the measure of the hon. and learned gentleman had continued such as it was on its first reading, he (Mr. Canning) should have felt it his duty to give it the most strenuous opposition. He, however, had approved of it in the shape which it had afterwards assumed, and this he had shown by suffering it to pass without comment. The hon. and learned gentleman would do him the justice to admit that on his part there had been no unwillingness to further the object in view. But he had now to look to the motion on which the House was called upon to decide. The bill which had been passed had been brought in after a very laborious inquiry, produced by speeches elucidatory of its object, from the learned gentleman, which, if the hon. and learned gentleman would receive a compliment from him which could not be suspected of being insincere, or offered from any unfair motive, came home to the feelings of every man in that House. The bill was ordered to be brought in on the 17th March. This order was complied with on the 8th April (and he could not wonder that the bill had not sooner been prepared), and from that period to the 20th May the House had been occupied with it. That time had been passed in polishing the measure and bringing it to perfection. It had not been much debated, for no one had been hostile to the principle of the measure, but it had been altered to meet the objections suggested, which had been very candidly attended to by the hon. and learned gentleman. On the 20th of May it had been sent to the Lords with the poor laws amendment bill, and many other important measures, which the other House was then called upon to revise, to reconsider, to adopt, to reject, or to modify. That bills thus pressed upon their attention by the working of our constitution at so late a period of the session, should always be returned perfect, was not to be expected; and he thought it but fair to allude to the disadvantages under which the other House had to exercise its functions, when a motion was made which in effect went to rebuke it for the course it had pursued. In the case of this bill their lordships had adopted the principle of the measure, and the greater part of the bill sent up to them by the Commons. That bill embraced three objects, in one of which they had fully concurred, and they had rejected, or rather they had postponed, the consideration of the other two. In consequence of this proceeding on their part, a proposition was made, that the House of Commons should take a step which he would not say was wholly unprecedented or unconstitutional, but which, if too frequently resorted to, would have a tendency (and not a small one) towards taking the whole power of the legislature into their hands. He would not say that such a course was in no case justifiable, but he had no difficulty in saying, that a case of necessity or of expediency, much stronger than any that could now be made out, could alone furnish such justification. To illustrate this position, he would refer to a case in which this right had been exercised in a much more justifiable way than it would be on the present occasion. A bill had passed the House of Commons for taking from the Crown the power of granting offices in reversion. It was sent to the Lords at a late period of the session, and there it was thrown out. Upon this the House addressed the Crown not to do the same thing which it would do if the bill had passed, but it prayed that the Crown would abstain for a definite period, till the subject could be brought under the consideration of parliament in the next year from granting offices in reversion, that they might then come to the discussion of the question with unimpaired powers. This course was justifiable in that case, for if the power of granting offices had been freely exercised within the next six months, the subject on which they were to have deliberated would have become less important, and *pro tanto* the efficacy of their labours would have been diminished. But, in the present instance, he wished to know what possible inconvenience could be expected to arise from a part of the inquiry being suffered to stand over for six months? It would be recollected that the bill provided that the commissioners should make their first report at the end of six months; and, if the same commissioners were named, with the same functions, to exercise on other matters, it was not only certain that great inconvenience would not arise from the enactments of the bill, as it had been returned from the Lords, but inconvenience might be much more reasonably anticipated from a contrary course being pursued, that of

accumulating the functions of the commissioners before they could begin to act. These persons would be engaged in an inquiry, which God knew would prove wide enough to occupy them for some months, and they were to report at the end of six months, and yet the House were told that the whole plan fell to the ground, because two other subjects of inquiry were not to be connected with that investigation on which the commissioners were immediately to proceed. No inconvenience could arise from that part of the inquiry being deferred for six months, and not the smallest object could be gained by carrying the present motion. Unless some practical benefit could be immediately secured by adopting it, the House ought to pause before they took a course unusual in legislation, by which they would in fact make a large stride towards taking the whole government of the constitution into their own hands; for what substantial difference would there be between doing this and threatening on every occasion to call on the Crown to do by itself what they had applied to the Lords to sanction in vain? If this were the new theory of reform—if this were the point at which the friends of reform aimed—if it were wished to enable that House to legislate for the country alone, let the doctrine be fairly avowed at once, in order that it might fairly be met. If the motion were agreed to, it would in substance go to affirm, that whereas the House of Lords had presumptuously exercised the right they possessed (and which for centuries they had exercised), and had dared, not to throw out (which they had a right to do), but to postpone the consideration of certain parts of a measure which had passed the House of Commons, they (the House of Commons) were determined to show the Lords that they could go by a short step to the throne, and, as the holders of the public purse, reduce the Crown to the dilemma of setting itself at variance with one House or the other. It was to avoid this course, which could do no good, but which might produce a contest with the other House, that he opposed the present motion, and he avowed himself equally opposed to another, of a similar character, which he understood to be in contemplation, and which was to be brought forward, not by the hon. and learned gentleman himself, but by an hon. and learned friend of his on the opposite side of the House. He had heard in the course of this day, that the present motion was only intended to extend the powers of the existing commissioners. The motion, however, he showed to be so framed, as, in fact, to call for the appointment of a distinct commission, in no way connected with that to be appointed under the bill. He compared the preamble to the bill received from the Lords, with that of the bill as sent from the Commons, and contended that they had a right to exercise on any bill sent up to them from the Commons, not their wisdom (he would not say that for fear of giving offence) but their discretion, in the same way as that House had an undoubted right to exercise theirs on any measure that might be received from the Lords. If, then, in such a case as the present, that House should go to the Crown to do, by its interference, what it had attempted to do with the concurrence of the Lords, but without success, why might not the same thing be done on other occasions? In a case not more urgent in point of time than the present, he would take leave to say, to act such a part would be as mean and as paltry, as in the end it would turn out to be mischievous and improvident. Where, if this were done on an occasion not more urgent—as to time he meant—for it was necessary that he should guard against being supposed to undervalue the importance of the measure in view—if this were done, where, he asked, was the line to be drawn? What security would be given that this should not often be done, from the popular feeling of the moment? And if ever the House were to separate itself from the other by such overbearing acts of legislation, a time might soon arrive when the hon. and learned gentleman himself would see abundant reason to wish that no such precedent had been established. The clauses now thrown out might be taken into consideration with more advantage six months hence, when the first report of the commissioners should be before the House. If the present motion were carried, it was to be followed up by another address to the Crown, for an inquiry into all abuses connected with charitable institutions. Were it possible for time to be saved by carrying these addresses, he had no hesitation in saying, under all the circumstances, he should still think it his duty to oppose them; but besides being liable to the constitutional objections which he had urged against them, they were still farther objectionable,

as they would be perfectly nugatory. Plenty of work was already carved out for the new commissioners, and the inquiry would not be hastened a single moment by such addresses being carried. Supposing the hon. and learned gentleman to intend that a new commission should be appointed.

Mr. *Brougham* said, he did not wish for a new commission. He wished the powers of the commissioners to be extended.

Mr. *Canning*, in candour to the proposition of the hon. and learned gentleman, had afforded it the only shelter that could save it from the blame of being useless, and proceeded to show, that if it were not intended to appoint three sets of commissioners to pursue the three concurrent objects, no time could be saved by the adoption of that line of conduct which had the recommendation of the hon. and learned gentleman. He did not deny the right of the hon. and learned gentleman to have taken such a course at first, but he thought his conduct had been wise and prudent, preferring, as he had done, to give the proposition the clothing and the sanction of a law. Having done this he could not now carry up an address to the Crown, calling on it to do what he had attempted to compass with the sanction of all the three branches of the legislature, without establishing a precedent of danger. It was on this ground that he objected to the motion, and not because he was against the proposed inquiry. To the mode in which the hon. and learned gentleman proposed to effect his object, he had thought it his duty to attend before, but, after the experience of this night, he should watch any measure that he might originate with increased jealousy. While he said this, he wished to bar the charge of being unfriendly to the object which the hon. and learned gentleman had in view. Of this he hoped he should stand acquitted, in the eyes of the House and of the world. "I am not," said the right hon. gentleman in conclusion, "hostile to the inquiry, but I oppose the motion of the hon. and learned gentleman, because I think that the blind and headlong zeal with which he pursues a favourite object, has suggested to him a course opposed to the established practice of the House, and which, if adopted, would go near to overturn the fixed barriers of the constitution."

Mr. *Brougham* replied. He said that the bill had been so changed in the Lords, that he could scarcely recognise his own offspring. He at first wished to move to negative the Lords amendments, in which he could have succeeded; but he distrusted his own judgment, and though the bill was mutilated, still, as it contained something good, he had resolved to adopt it. The bill could not have been introduced sooner. The long space which the right hon. gentleman had mentioned, as being occupied with deliberating upon it, principally consisted of the adjournment during the Easter holidays. He had tried, during those holidays, with the assistance of a learned friend of the chancery bar, to make it as perfect as possible. They took for their model, the bill for appointing the naval commission of inquiry, which had been unnaturally renounced by some of its parents, because it had been too effective in producing the famous 10th Report. That 10th Report, and that bill, were as satisfactory as any of the earl St. Vincent's naval victories, brilliant as those victories had been, and they had been made the model of the present measure. He denied that he had been actuated by any wish to create a difference between the two Houses. His conduct had been throughout most conciliatory, and he had even taken the pains to communicate with noble lords in another place, in order to learn what were their wishes upon the subject. He argued, that what he proposed would not set the two Houses at variance, but would be much more conciliatory than if in the next session he persisted in renewing a measure which in this session the Lords had rejected by their amendments. A delay of six months was of the greatest consequence in an inquiry of this kind; and when, in the next session, he should propose a bill, the right hon. gentleman who spoke last, if he forgot his argument of this evening, which was not impossible, might fairly urge that he was endeavouring to produce a rupture between the two branches of the legislature. After referring to the Reversion bill, which was rejected by the Lords, and upon which the House had afterwards voted an Address to the Crown, as a precedent in his favour, he concluded by reading an extract from the report of the committee on this subject, as a warrant for the motion with which he had troubled the House.

The previous question being put, "That the question be now put," the House divided:

Ayes	29
Noes	54
Majority	—25

List of the Minority.

Abercromby, hon. J.	Mackintosh, sir J.
Aubrey, sir John	Martin, J.
Baring, sir T.	Martin, H.
Bolland, John	Maitland, J.
Brougham, Henry	Morland, J. B.
Burdett, sir F.	Moore, P.
Chamberlayne, W.	Ord, W.
Duncannon, vis.	Ossulston, lord
Frankland, T.	Palmer, colonel
Fitzroy, lord J.	Romilly, sir S.
Gaskell, B.	Shelley, sir J.
Keck, G. A. L.	Smith, J.
Lambton, J. G.	Wood, alderman
Langton, W. G.	TELLERS.
Lefevre, C. S.	Bennet, hon. H. G.
Macdonald, J.	Lockhart, John

Mr. Brougham next moved, "That an humble Address be presented to his royal highness the Prince Regent, that he would be graciously pleased so instruct any commissioners who may be appointed under a bill, intituled, 'An act for appointing 'Commissioners to inquire of the Charities 'in England and Wales, and of the Edu-'cation of the Poor,' to inquire into the Abuses of Charities not connected with Education;"—whereupon the previous question, "That the question be now put," was moved, and negatived.

Mr. *Brougham* then said, that before he moved that the House do concur in the amendments of the Lords, he wished to give notice, that early in the next session he should move for leave to bring in a bill to appoint, if possible, the same commissioners to inquire into all abuses of charities by which the property of the poor had been dilapidated and plundered by those who met with the sanction of some, the fellow-feeling of others, and the protection of many—as was obvious from the vote of that night. That vote would, no doubt, give great satisfaction to persons high in the state, and to many members of both Houses who were unwilling that these abuses should be investigated. He put it to the candour of the right hon. gentleman (Mr. Bathurst) if, after what had passed, should the Lords' amendment be negatived, he would not support an address to the throne that the great object might be attained.

Mr. *Canning* spoke to order. There was no question before the House, though the hon. and learned gentleman, in order to introduce his invectives, had led some members to imagine that he would have concluded with a motion. He apprehended that the hon. and learned gentleman had no right to dictate either to the House or to any honourable member what course he ought to pursue.

Mr. *Ward* complained of the slander cast on the House by the hon. and learned gentleman in his expression respecting the decision which the House had just come to—a slander, too, uttered in a speech which the hon. and learned gentleman had no right to make, as there was no question before the House.

Several members here rose to order, there being no question before the House.

Mr. *Brougham* denied that he had entertained any wish to dictate to, or to slander the House. It was quite absurd to suppose that such had been his intention. He would not allow any gentleman of the Ordnance, or of the board of Trade, to debar him from the ordinary courtesy of putting a question [order.]

Mr. *Lambton* moved that the House do adjourn. He said he made the motion to give his hon. and learned friend a right to speak.

Mr. *Robinson* observed, that, as he had been referred to as one of the board of Trade, he wished to state, that he had interrupted the hon. and learned gentleman merely to induce him to restrain himself half a minute, while his noble friend moved the concurrence in the Lords amendments, as it did not appear that such a motion was likely to come from the other side of the House. He would not be put down by the hon. and learned gentleman at any time, and certainly not on the present occasion.

Mr. *Brougham* replied, that when he was interrupted he was only about to put a question, an ordinary courtesy allowed to all members. Before he proceeded he desired to know what an hon. gentleman opposite meant by asserting that he had slandered and defamed him. He was anxious to give his much injured reputation all the healing balm in his power.

Mr. *Ward* insisted that the hon. and learned member had only pursued his usual course of running riot against those by whom he had been opposed and defeated. He was one of those who voted in the majority against the hon. and learned gentleman's proposition, and the hon. and learned gentleman had more than insinuated that the object of that majority was, to screen the guilty—such

statements were defamatory and slanderous.

A desultory conversation ensued as to the question of form, and who should move that the Lords amendments be read. Mr. Brougham having said that though he would vote for the reading of the amendments, he would rather the motion should come from some other quarter. After a few words from Mr. Robinson, lord Castlereagh, Mr. Brougham, Mr. Canning, and Mr. Bathurst, the motion for an adjournment was withdrawn, and on the motion of lord Castlereagh, the Lords amendments to the bill were read and agreed to.

PANTHEON THEATRE—PETITION OF MR. CUNDY.] Sir *Francis Burdett* rose, to submit a motion to the House respecting the petition of Mr. Cundy, the proprietor of the Pantheon Theatre, which had been presented on a former day. His object was, the appointment of a committee to inquire into the allegations contained in that petition, and he conceived that no time ought to be lost. The petitioner having obtained a licence from the lord chamberlain to commence performances at the Pantheon Theatre, had laid out a very large sum in putting the theatre into such a state as to make it fit for the reception of the company. The whole was conducted by Mr. Cundy in such a manner as to give great satisfaction to those who attended the performances. In the midst, however, of his prosperous career, an injunction was issued by the lord chamberlain to discontinue these theatrical representations. Mr. Cundy had expended between 50 and 60,000*l.*, and without any reason being assigned the injunction was issued. Mr. Cundy had been harassed by criminal informations, and had been totally ruined, arrested, and cast into gaol, where he remained for three or four years, and at last was liberated under the Insolvent act, and all this without any reason but the caprice of the lord chamberlain, by whom the injunction was issued, which reduced this gentleman in an instant to beggary. Notwithstanding the lateness of the session, he thought this matter might be inquired into before the prorogation. One day he conceived would be sufficient to conclude the business, and he apprehended that no objection could be made to the inquiry. He had no difficulty in declaring that this was a most cruel, harsh, unjust, and improper exercise of the power of the lord chamberlain. He concluded with moving, "That the Petition of Nicholas Wilcox Cundy be referred to a committee, to examine the matter thereof, and report the same, with their Observations thereupon to the House."

Lord *Yarmouth* was anxious to say a few words upon this subject, as his name had been made use of in the correspondence between the parties, and it had been imputed to him that he had used his influence with the Prince Regent to have the whole concern of the theatre broken up. Mr. Cundy did ask him to show a plan to the Prince Regent, and in consequence of what his Royal Highness had intimated, he (lord Y.) had certainly advised Mr. Cundy not to pursue the plan. A temporary licence was, however, granted by lord John Thynne, the then lord chamberlain, and a correspondence passed between the parties on the subject. This licence was not granted for the representation of Italian operas. Such operas, however, were performed, and it was not until after the second performance that the injunction was issued. There was another reason which might have operated upon the mind of the lord Chamberlain, namely, that the theatre was actually not in a fit state for the reception of the public; but this consideration did not form a part of the avowed objection to the continuance of the representations. The licence granted was merely temporary, and Mr. Cundy acted with his eyes open, being fully aware of the objection made to the representations.

Mr. *John Calvert* read extracts from the correspondence which passed between the parties to prove that the injunction was not unwarrantably issued.

Mr. *Bathurst* said that the present case had been inquired into before the privy council, and had been found very complicated. He conceived that the lord chamberlain was not bound to continue the licence any longer than he thought proper. It was impossible to consider the question in the present session.

General *Thornton* expressed his regret that dramatic performances were prevented at the Pantheon, as it was a theatre so peculiarly neat and commodious in every respect. If a second opera were allowed at this theatre, he apprehended that so much would not have been heard about high prices and inadequate amuse-

ment at the King's Theatre, because the natural effect of rivalship would be to cure those evils.

Mr. *P. Moore* observed, that there was already so much rivalship among the theatres, that there was reason to fear the effect would be to rival each other into ruin. As he believed the statements in the petition to be unfounded, he hoped the hon. baronet would withdraw his motion.

Sir *F. Burdett* observed, in reply, that until the errors in the statement of Mr. Cundy were pointed out, he should believe them to be true. He was not at all surprised that the hon. member who had just spoken, connected as he was with a concern of a much larger extent, should be peculiarly anxious to put down any measure which he thought might be injurious to his interests. This might be an advantageous system to pursue for the hon. member, but he very much doubted whether it was equally advantageous for the public. The hon. baronet then remarked upon the superior convenience of the Pantheon, for dramatic exhibition, compared with those theatres which the overstrained avarice of a monopolizing spirit had extended to such a size, as to render it impossible for the greater part of the audience to enjoy the performance. For, unless to those who were placed in particular situations contiguous to the stage, it was impossible distinctly to see the face or to hear the voice of the performer. Hence the performers themselves were obliged to overact their parts; so that the whole became a sort of overstrained pantomime. But this was never likely to be the case at the Pantheon, seeing that it was of such a commodious size and so conveniently constructed. From this consideration, as well as from the situation in which the Pantheon was placed, in the middle of a considerable population, he thought that, putting Mr. Cundy entirely out of the question, it ought to be opened for dramatic representations. But seeing the House was so thin, he would reserve the discussion of this question for a fuller attendance. The hon. baronet concluded with moving for leave to withdraw his motion; which was agreed to.

HOUSE OF LORDS.

Friday, June 5.

Petition of D. Correa.] Lord *Holland* presented a petition from Don Diego Correa, a captain in the Spanish service, stating certain injuries he had sustained in consequence of what had passed between the British and Spanish governments relative to his case, and praying for relief. The petition was in substance the same as that presented to the Commons on Monday last by lord Morpeth. Lord Holland, in moving that it be laid on the table, adverted to the ancient policy of Great Britain in protecting foreigners, and encouraging them to seek refuge in this country against oppression. This policy he was now sorry to see completely abandoned. In support of his opinion respecting the practice and feelings of former times, he quoted the preamble of an act of parliament for the encouragement of refugees, which had been drawn up by the great lord Somers. The preamble stated, that whereas many Protestants in France might wish, on account of our free constitution, to settle in this country, it was right to induce them to do so.—The petition was laid on the table.

Cotton Factories.] Lord *Kenyon*, on bringing up the report of the committee on the Cotton Manufactories bill, professed an unwillingness at that late period of the session to press the bill any farther. It had been the opinion of their lordships, that some farther evidence was desirable, and to receive such evidence with due allowance for deliberation, could not be comprehended in the remaining narrow limits of the present session.

The Earl of *Lauderdale* congratulated the noble lord and the committee on their having at length perceived what he had long ago considered and declared as the true and inevitable state of the case. The evidence already presented to the House against the bill, was to an extent far beyond his own calculation. So far from the condition and discipline of the factories in Manchester and other places being justly chargeable with unwholesomeness, or the conductors of them with cruelty, it was on proof that the parents of children who were weak in their frame and constitution, were peculiarly solicitous for their admission into those factories.

Lord *Kenyon* did not think it necessary to account for any apparent change of sentiments that the noble lord might think he had discovered in his conduct, but he would state to the House, that he

was influenced by the consideration that the House agreed to receive farther evidence, and as the season was too far advanced to receive or make efficient use of such evidence, he should content himself with intimating that he should, at an early period of the ensuing session, bring the subject again before their lordships consideration.

Offices in Reversion, and Sinecure Places.] Earl *Grosvenor* said, that he felt a considerable degree of embarrassment, in being obliged to trouble their lordships by bringing forward this subject; for, after what had passed in the last session of parliament, he had thought it would have been unnecessary for him to call their attention to it again. As, however, nothing had been done by his majesty's ministers to reform the abuses which had been the subject of so much complaint, he considered himself bound to propose some resolutions relative to places in reversion, and all sinecures or useless places of every description. It had been said, that nothing farther was necessary to be done, because certain places after long consideration had been abolished; but what had been done in that way was far from being sufficient. There were still a number of useless places maintained in England, Ireland, Scotland, and the colonies, the abolition of which, and of those places which were entirely or chiefly executed by deputy, might be effected. When their lordships found, upon inquiry, that there was a great number of offices, for the maintaining of which no good reason could be assigned, and that many which had now become perfect sinecures had anciently been efficient offices, they surely could not hesitate in agreeing to a resolution, declaring that such a state of things ought no longer to exist. The first resolution he should move was confined to places in reversion; and as an illustration of its necessity, he should mention the rangership of Bagshot-park, the reversion of which had been granted to the duchess of Gloucester. If it were fit that such a system should exist, this grant could not be censured; but it was precisely in proportion to the popularity which might be attached to the individuals to whom such grants were made that he objected to them. They paved the way for others of a different nature, and, by little and little, the evil grew to a most mischievous height. His second object was the abolition of sinecures and useless places. Last session he had been called upon to define what a sinecure was. The task would not have been difficult, but it was rather singular that it should have been required of him, when a bill had passed their lordships' house for the abolition of several places of that description. With regard to what might be called useless places, he certainly did not mean to include under that denomination those which were necessary for supporting the splendor and dignity of the Crown, such as the offices of the lord Chamberlain, the lord Steward, or even the lords of the bedchamber, though, perhaps, there might be too many of them. All offices to which any kind of public utility could be attributed, he would most willingly maintain. But there were a variety of offices connected with the courts of law, which were completely useless. He did not mean to say, however, that even they should be abolished, without taking into consideration the emoluments derived from them by the heads of the courts. A fair compensation ought to be given for those emoluments. The noble earl at the head of the Treasury had in the beginning of the session pledged himself to introduce a measure for regulating the office of clerk of the parliament, which was one certainly executed by deputy, but as yet nothing had been done towards that object. The office of clerk of the pleas, in Ireland, had been a subject of litigation for a time; but though the question had been decided in a court of law, still nothing had been done on the subject by ministers. The question respecting the office of lord justice general of Scotland remained in the same state. Instead of abolishing it altogether, a bill had been brought into another place, for giving the emoluments to the lord president of the court of session; but the proposition met with so much disapprobation, that the authors of the measure had thought fit to withdraw it. The office of third secretary of state was still kept up, notwithstanding its inutility had been demonstrated; and, in fact, nothing but the voice of parliament, decisively pronounced, would induce ministers to consent to an effectual abolition of sinecures and useless offices. During the whole of the session they had not given a hint of any plan of economy; and as they opposed all reductions, he anticipated in the next session that they would propose the renewal of that odious

impost, the income-tax; for, as they, adopted no measures of economy, they could only cover the expenditure by making new demands on the pockets of the people. When he, on a former occasion, referred to our army in France as an unnecessary burthen, the noble lord at the head of the Treasury asserted, that it did not cost the country a farthing. This was a singular assertion; for he believed it was maintained out of the five millions paid to this country by France, which would of course be applicable to other objects, were it not so disposed of. These five millions constituted our indemnity for the past, which had been one of the objects of the long and ruinous war in which the country had been engaged. What we had got for the other great object—security for the future—he did not know, unless it was the restoration of the Bourbons. That army, however, which was, for the support of despotism, retained in France, was paid out of our indemnity. The noble secretary of state surely would not say that the money thus laid out would not have been saved, had the army been disbanded. Should the troops be now withdrawn, might not what yet remained unpaid of this indemnity be saved to the country, by reducing the military establishment?—To return to the objects of the resolutions he intended to propose, he must remind their lordships of the mischievous effects of leaving the power of granting sinecures and useless places in the hands of ministers. It gave a most undue and pernicious influence to the Crown. If this power was allowed to remain, its corrupt influence would infallibly increase; and to that influence, morality, and the spirit of independence, would finally give way. The noble earl concluded by moving the following Resolutions:—

1. "That from henceforth no places ought to be granted in reversion by the Crown, as tending to prolong and perpetuate the existence of sinecures and other useless offices, as being a complete bar to regulation, and thus endangering the adequate discharge of offices to which active duties are annexed.

2. "That the practice of granting places in reversion by the Crown ought not only to cease and determine, but that the pernicious practice ought to cease generally.

3. "That the utmost attention to economy in all the branches of public expenditure, which is not inconsistent with the interests of the public service, is at all times a great and important duty.

4. "That all sinecures, and other useless offices in the gift of the Crown, ought to be abolished at the expiration of the subsisting interests. That the salary of other places, not immediately necessary to the service of the state, ought to be abolished, or regulated, with a view to economy.

5. "That if, in the event of certain useless places being abolished in the courts of law, the emoluments of any judge or judges should be thereby diminished, adequate remuneration should be made to persons holding such dignified and laborious situations.

6 "That, in addition to the measures already taken by parliament for the abolition or regulation of certain sinecures or other useless offices, it is expedient to abolish all those that have revenue without employment, and regulate all offices that have revenue extremely disproportionate to employment, excepting only such as are connected with the personal service of his majesty or his royal family, in the due support of the dignity and proper splendor of the monarchy, regard being always had to the existing interests in any offices so to be regulated or abolished.

7. "That it is expedient to reduce offices of which the effective duties are entirely or principally discharged by deputy, in certain cases, to the salary and emoluments actually received for executing the business of such offices, regard being had to any increase which may appear necessary on account of additional responsibility, and sufficient security being taken for due performance of the service in all cases of trust connected with the public money.

8. "That, at the present time, it is especially the duty of the House to adopt the foregoing Resolutions, on account of the burthened state of the country, and the universal desire for economical reform and reduction of unconstitutional influence, whether originating in the unperceived lapse of time, the effect of accident, or the machination of design."

The Resolutions being put, were negatived, without a division.

HOUSE OF COMMONS.

Friday, June 5.

REPORT OF THE SELECT COMMITTEE

ON THE COPY-RIGHT ACTS.] Mr. Wynn presented the following

REPORT

FROM THE SELECT COMMITTEE ON THE COPY-RIGHT ACTS.

THE SELECT COMMITTEE appointed to examine the Acts 8 Anne, c. 19; 15 Geo. 3rd, c. 53; 41 Geo. 3rd, c. 107; and 54 Geo. 3rd, c. 116, respecting copyright of books; and to report any or what alterations are requisite to be made therein, together with their observations thereupon, to the House; and to whom the petitions regarding the Copyright bill, and all returns from Public Libraries, and from Stationers-hall, presented in the present session, were referred; and who were empowered to report their opinion thereupon to the House;—Have examined the matters to them referred, and have agreed upon the following REPORT and RESOLUTIONS, together with an Appendix.

The earliest foundation for a claim from any public library, to the gratuitous delivery of new publications, is to be found in a deed of the year 1610, by which the Company of Stationers of London, at the request of sir Thomas Bodley, engages to deliver a copy of every book printed in the company (and not having been before printed) to the University of Oxford. This however seems to be confined to the publications of the company in its corporate capacity, and could in no case extend to those which might proceed from individuals unconnected with it.

Soon after the Restoration in the year 1662, was passed the "Act for preventing abuses in printing seditious, treasonable, and unlicensed books and pamphlets, and for regulating of printing and printing presses;" by which, for the first time, it was enacted, That every printer should reserve three copies of the best and largest paper of every book new printed, or reprinted by him with additions, and shall, before any public vending of the said book, bring them to the master of the Company of Stationers, and deliver them to him; one whereof shall be delivered to the keeper of his majesty's library, and the other two to be sent to the vice-chancellor of the two Universities respectively, to the use of the public libraries of the said Universities. This act was originally introduced for two years, but was continued by two acts of the same parliament till 1679, when it expired.* It was, however, revived in the 1st year of James 2nd, and finally expired in 1695.

It has been stated by Mr. Gaisford, one of the curators of the Bodleian Library, "that there are several books entered in its register, as sent from the Stationers Company subsequent to the expiration of that act;" but it is probable that this delivery was by no means general, as there are no traces of it at Stationers Hall, and as Hearne, in the preface to the "Reliquæ Bodleianæ," printed in 1703, presses for benefactions to that library as peculiarly desirable, "since the act of parliament for sending copies of books, printed by the London booksellers, is expired, and there are divers wanting for several years past."

During this period, the claim of authors and publishers to the perpetual copyright of their publications, rested upon what was afterwards determined to have been the common law, by a majority of nine to three of the judges, on the cases of Millar and Taylor in 1769, and Donaldson and Becket in 1774. Large estates had been vested in copyrights; these copyrights had been assigned from hand to hand, had been the subject of family settlements,* and in some instances larger prices had been given for the purchase of them (relation being had to the comparative value of money) than at any time subsequent to the act of the 8th of queen Anne. By this act, which in the last of these two cases, has since been determined to have destroyed the former perpetual copyright, and to have substituted one for a more limited period, but protected by additional penalties on those who should infringe it, it is directed, that nine copies of each book that shall be printed or published, or reprinted and published with additions, shall, by the printer, be delivered to the warehouse-keeper of the Company of Stationers, before such publication made, for the use of the Royal Library, the libraries of the Universities of Oxford and Cambridge, the libraries of the four Universities of Scotland, the library of Sion College in London, and the library belonging to the Faculty of Advocates at Edinburgh.

From the passing of this act until the decision of the cases of Beckford and Hood in 1798, and of the University of Cambridge and Bryer, in 1813, it was universally understood, that neither the protection of copyright, nor the obligation to deliver the eleven copies attached to the publication of any book, unless it was registered at Stationers-hall,† an act which was considered as purely optional and unnecessary, where it was intended to abandon the claim for copyright; and in conformity to this construction, the act of 41 Geo. 3rd, expressly entitled the libraries of

* Upon reference to the continuing act of 17 Ch. 2nd, c. 4, the clauses respecting the delivery of the three copies appear to be perpetual, yet it should seem that they were not so considered, not being adverted to in the Act of Anne.

* Birch, in his Life of Archbishop Tillotson, states, that his widow, after his death in 1695, sold the copyright of his unpublished sermons for 2,500 guineas.

† The whole number of entries during the 70 years, from 1710 to 1780, does not equal that which has taken place in the last four years. See Appendix No. 1.

Trinity College, and the King's-inn, Dublin, to copies of such books only as should be entered at Stationers-hall.

In Beckford *v.* Hood, the Court of King's-bench decided, that the omission of the entry only prevented a prosecution for the penalties inflicted by the statutes, but it did not in any degree impede the recovery of a satisfaction for the violation of the copyright. The same court further determined, in the case of the University of Cambridge against Bryer in 1812, that the eleven copies were equally claimable by the public libraries, where books had not been entered at Stationers-hall as where they had.

The burthen of the delivery, which by the latter decision was for the first time established to be obligatory upon publishers, produced in the following year a great variety of petitions to the House of Commons for redress, which were referred to a Committee, whose Report will be found in the appendix; and in 1814 the last act on this subject was passed, which directed the indiscriminate delivery of one large paper copy of every book which should be published (at the time of its being entered at Stationers-hall) to the British Museum, but limited the claim of the other ten libraries to such books as they should demand in writing within twelve months after publication; and directed that a copy of the list of books entered at Stationers-hall should be transmitted to the librarians once in three months, if not required oftener.

It appears, so far as your Committee have been enabled to procure information, that there is no other country in which a demand of this nature is carried to a similar extent. In America, Prussia, Saxony and Bavaria, one copy only is required to be deposited; in France and Austria two, and in the Netherlands three; but in several of these countries this is not necessary, unless copyright is intended to be claimed.

The Committee having directed a statement to be prepared by one of the witnesses, an experienced bookseller, of the retail price of one copy of every book entered at Stationers-hall between the 30th July 1814, and the 1st of April 1817, find that it amounts in the whole to 1,419*l.* 3*s.* 11*d.* which will give an average of 532*l.* 4*s.* per annum; but the price of the books received into the Cambridge University Library from July 1814 to June 1817, amounts to 1,145*l.* 10*s.* the average of which is 381*l.* 16*s.* 8*d.* per annum.

In the course of the inquiry committed to them, the Committee have proceeded to examine a variety of evidence, which, as it is already laid before the House, they think it unnecessary here to recapitulate; but upon a full consideration of the subject, they have come to the following Resolutions:—

1. "That it is the opinion of this Committee, that it is desirable that so much of the Copyright act as requires the gratuitous delivery of eleven copies should be repealed, except in so far as relates to the British Museum, and that it is desirable that a fixed allowance should be granted, in lieu thereof, to such of the other public libraries, as may be thought expedient.

2. "That it is the opinion of this Committee, that if it should not be thought expedient by the House to comply with the above recommendation, it is desirable that the number of libraries entitled to claim such delivery should be restricted to the British Museum, and the libraries of Oxford, Cambridge, Edinburgh, and Dublin universities.

3. "That it is the opinion of this Committee, that all books of prints, wherein the letter-press shall not exceed a certain very small proportion to each plate, shall be exempted from delivery, except to the Museum, with an exception of all books of mathematics.

4. "That it is the opinion of this Committee, that all books in respect of which claim to copyright shall be expressly and effectually abandoned, be also exempted.

5. "That it is the opinion of this committee, that the obligation imposed on printers to retain one copy of each work printed by them, shall cease, and the copy of the Museum be made evidence in lieu of it." 5 June, 1818.

APPENDIX, No. 1.—Books and Music entered at Stationers-hall, from the passing of the Act 8th Anne, 1710 to 1818.

April 1710 to April 1720	10 years	872
1730	do.	492
1740	do.	343
1750	do.	618
1760	do.	417
1770	do.	433
1780	do.	1,033
1790	do.	2,606
1800	do.	5,386
1810	do.	3,076
1814	4 do.	1,235
1818	do.	4,353

Very little, if any music was entered at Stationers-hall till 1776-7, when some legal dispute arose respecting the copyright of music; and single songs do not appear to have been entered till April 1783; since that period, music, particularly single songs, has formed a considerable portion of the articles entered.—(Signed) Geo. Greenhill, warehouse-keeper of the company of stationers. —Stationers-hall, June 3rd, 1818.

APPENDIX, No. 2.—Report from the Committee (in June 1813) on the Copyright of printed books.

The Committee appointed to examine several acts passed in the 8th year of queen Anne, and in the 15th and 41st years of his present majesty, for the encouragement of learning, by vesting the copies of printed books in the authors or purchasers of such copies, and for other purposes therein mentioned; and to report, whether any and what

alterations are requisite to be made therein, together with their observations thereon, to the House;—have, pursuant to the order of the House, proceeded to consider the said acts; and have received various statements, and examined several persons connected with the printing, the publishing, or with the sale of books; and, after much attention bestowed on the subject, they beg leave to observe,—

That although great changes have taken place in the literary systems of this country, since the first of the laws referred to them was enacted, on which the others depend; yet they conceive that the substance of those laws is proper to be retained; and in particular that, continuing the delivery of all new works, and in certain cases of subsequent editions, to the libraries now entitled to receive them, will tend to the advancement of learning, and to the diffusion of knowledge, without imposing any considerable burthen on the authors, printers, or publishers of such works. But that it will be expedient to modify some of the existing provisions; as to the quality of the paper, which may fairly be reduced from the finest sort and largest size, to that used in the greater part of an edition; by substituting a delivery on demand, after due and proper notice has been given of the publication, to a distribution in the first instance: and by affording an alternative with respect to subsequent editions in certain cases.

Your Committee would however suggest one exception to these rules, in favour of the British Museum; this national establishment, augmenting every day in utility and importance, ought, in the opinion of your Committee, to be furnished with every publication that issues from the press, in its most splendid form.

Having presumed to advise certain regulations with the view of lightening as much as possible the pressure, whatever may be its amount, on all those connected with the publication of books, your Committee would be wanting in the discharge of their duty, were they not to recommend a strict enforcement of such obligations, as for useful purposes remains to be discharged: by annexing suitable penalties to the neglect of performing them; and perhaps in some cases by adding the forfeiture of copyright.

The attention of your Committee has naturally been directed to the late decision in the court of King's-bench, ascertaining the true interpretation of the statute of queen Anne; and they find, that, previously to that decision, an universal misapprehension existed as to the real state of the law; and that works were undertaken, and contracts made on the faith of long established usage. Your Committee are fully aware, that, in expounding the law, no attention can be paid by courts of justice to the hardships that may incidentally be produced; but it will deserve the serious deliberation of parliament, whether all retrospective effect should not be taken away from a construction, which might be thought to bear hardly on those who have acted on a different understanding of the law.

Lastly; your Committee have taken into their consideration, the subject of copyright; which extends at present to fourteen years certain, and then to a second period of equal duration, provided the author happens to survive the first. They are inclined to think, that no adequate reason can be given for this contingent reversion, and that a fixed term should be assigned beyond the existing period of fourteen years.—17 June, 1813.

On the motion, that the Report be printed,

Mr. *J. H. Smyth* rose to say, that the resolutions of the committee had been carried by very small majorities, and that he had entirely disagreed with the majorities. The first resolution had been carried by a majority only of one, the last by the casting vote of the chairman.

Sir *James Mackintosh* said, that as one of the committee, he would willingly bear testimony, that the hon. member for Cambridge was not in the least remiss in the discharge of the duty, which he considered himself to owe to his constituents, by resisting the resolutions. The hon. gentleman might have, whenever he pleased, the benefit of his testimony to this point. It was true the resolutions in the committee were only carried by a majority of six to five, but of the minority of five, four were the representatives for Oxford and Cambridge. For all of them he felt the highest respect, and they filled in that House nearly as respectable a station as it was possible for a representative to hold. But their dissent from these resolutions could not have much authority, considering the interests of their constituents in the question—interests which, for many reasons, and for one of considerable force at this time, which he would not mention, they would pay great attention to. The authority of the four members would have great weight where their judgments could be impartially exercised, but in the present case it could not be so. The resolutions were, in a technical and parliamentary sense, the resolutions of the committee. Their weight and authority must depend on the reasons which supported them. Neither their justice nor their merits could be decided by the numbers who had dissented from them. Their fate would be determined in the House upon their own merits.

Lord *Palmerston* and Mr. Peel hastily rose at once to reply, which occasioned a

laugh. The latter gentleman gave way, and the former said he treated the insinuation that he had not acted with candour and fairness with the contempt which every charge upon the candour and impartiality of a member deserved. The resolutions had certainly been carried by very small majorities.

Mr. *Peel* said, he must express his sentiments, notwithstanding the laugh occasioned by his having risen at the same time with the noble lord. He was sorry that the representatives of large and respectable places, should be laughed at for defending what they conceived to be the interests of their constituents. He regretted that there was not time this session for some legislative measure on the subject. Great misconception existed. It had been clearly proved that the Universities had acted with the utmost liberality, and that those very authors who had complained of it as a grievance, had derived the greatest benefit from the act.

Mr. *Wynn* thought it rather an unusual course to bring before the House the state of divisions on a select committee. If it was alleged that some of the resolutions in the committee had been carried only by a casting voice, it should have been also said, that the resolution restricting the copies given to five had been carried with only one opponent, if a person expressing a doubt might be considered an opponent.

Sir *J. Mackintosh* in explanation, said, that his observations had been greatly mistaken if he had been understood to impute any improper motives to any one. As to the remark made by a noble lord that he treated his (sir J. M.'s) insinuations with the contempt they deserved, he begged leave to say that he did not consider any member who applied such language on such an occasion, as qualified to give him lessons as to his conduct in the House, or in a committee. He had only imputed a partiality which he considered creditable, and which the right hon. gentleman had contended for as his right to exercise. He went farther, and said that he considered partialities, counteracted by opposite partialities, as the cause of that happy collision of opinions which made that House the most excellent representative assembly that ever conducted the affairs of a nation.

Lord *Palmerston* expressed his regret that he had misconceived the hon. and learned gentleman's meaning.

Mr. Gurney said a few words in justification of the resolutions; after which the report was ordered to be printed.

Police of the Metropolis.] Mr. *Bennet*, on bringing up the Report of the Police Committee, drew the attention of the House to the great evils that were experienced in consequence of the want of a classification of prisoners in the different gaols of the country. The House would probably be surprised to hear that this evil was not confined to the metropolis. It was not merely in this city that these places of confinement, which went by the name of Houses of Industry and Correction, were in reality nurseries of idleness and vice. The system of labour, which even their appellations seemed to imply, and to which in principle they ought to be directed, was altogether overlooked. Even in Cold Bath-fields prison, the average of the produce of the labour imposed upon each individual, did not amount to so much as one farthing per day. The great evil arising from this neglect of classification was, that persons who had committed crime for the first time, were thrown amongst those, who, by the frequent commission of enormities, were more hardened in the course of guilt, and consequently were disposed to encourage and increase the enormities of less experienced and hardened offenders. The House would also be surprised to hear, that it was proved, on the evidence of the governor of Cold Bath-fields prison, a person who supported the most respectable character in his situation, that he had conducted the affairs of the prison without a single rule or order from the magistrates for the space of seven years. He trusted that the extraordinary increase of prisoners, a circumstance disgraceful in itself, would be regarded from the evidence of this Report, as a misfortune, growing partly out of the poverty of the times, and partly out of the extreme neglect which was manifested in the want of proper regulation in those establishments. That it was in a great measure a disease arising out of poverty and wretchedness, could not be denied by those who had observed the condition of society for the last few years. No one could look abroad without witnessing cases of extreme calamity; no one could exercise his observation without seeing numbers of unfortunate people wanting a home, and stretched upon the grass in a state of wretchedness,

which could only be compared to that of the Lazaroni of Naples. The most afflicting reflection upon this survey of extensive misery in this country, was, that it arose, not from the want of a disposition to be industrious, but from a want of employment, from a want of the means of exercising that industry which they were disposed to undertake. Another melancholy fact was to be derived from a reference to the condition in which many persons were dismissed from the prisons. No one could have attended to this subject without knowing that dozens upon dozens had been dismissed, many of them after the commission of a first offence, without a shilling in their pockets, or without any other means of procuring subsistence than by a return to the practice of those vices for which they were originally committed. It was true that some asylum was afforded by the charitable institution of the Refuge for the Destitute; it was true that hundreds had been saved by that humane establishment, but it was lamentable to reflect upon the small proportion on which its benefits could operate, when compared with the whole amount of the individuals thrown without provision upon society. The number of transportations and capital convictions which had grown up under this system was immense. The House was probably not aware that, from the year 1816 to 1818, no less than 3,600 had been sent to Botany Bay, and that from the year 1798 it had cost the country no less than four millions to defray the expenses of transportation alone. It was extraordinary to think, yet not less extraordinary than true, that the more every part of the system of government was inquired into upon these subjects, the more it would be found to be defective and rotten. But the most surprising consideration of all was, upon what principle of life a machine so defective in itself could have been so long kept together. It was extraordinary that the first step in the police department should be executed by deputy—he alluded to the office of constable; but still he was disposed to attribute the want of a good police not to the neglect of those in the higher situations, but to the conduct of those in the inferior. He next alluded to the plan adopted in the licensing of public houses, according to which, acting upon the vulgar prejudice that porter was the natural beverage of the people of this country, they were obliged to keep tap-rooms, in order to avoid the refusal of their licences as gin-shops. These ale-houses were known to be the haunts of profligacy; yet they would not only exist in an undiminished number, but go on progressively increasing until the law was altered on that subject. He concluded with expressing a hope that the result of this inquiry would be to alter the present system in the management of gaols, which, instead of contributing to the reformation of offenders, operated to their farther corruption and degradation, by compelling the association of new offenders with the oldest and most hardened in crime.

General *Thornton* complimented the hon. gentleman on his attention to this important subject, and expressed his opinion in favour of the intended review of the police of the metropolis.

The report was ordered to be printed.

ALIEN BILL.] Sir *James Mackintosh* presented a Petition from certain individuals against the clause introduced into the Alien Bill, depriving them of the privilege they had acquired as naturalized subjects, by the purchase of stock in the Bank of Scotland. He described the petition as relating to the most important subject, a subject which involved the greatest breach of faith that was ever proposed to a British parliament. It alluded to the amendment adopted in the Alien bill by the House of Lords, which went to deprive persons of their rights who were naturalized in that mode since the 28th of April. In consequence of an act which had passed in the parliament of Scotland in 1695, the purchasers of stock in the Bank of Scotland to a certain amount was naturalized. The same had been since confirmed by five acts of parliament in the reign of his present majesty. The present petitioners had been long resident in this country; they were many of them merchants, and had children who were natural born subjects. The petition went on to certify the loyalty of their conduct, and to challenge inquiry into every part of their character as men and as citizens. It added, that they had purchased stock in full and entire faith in the law as it now stood. After dwelling with much force on the injustice of retrospective acts, he concluded with moving that the petition do lie on the table.

The Petition was then read. It purported to be the petition of George

Oppenheimer, &c., proprietors of stock in the Bank of Scotland, and naturalized subjects of the United Kindom of Great Britain and Ireland; and sat forth, "That the petitioners are informed that a bill is now pending in parliament, intituled, 'An 'Act to continue for the term of two 'years, and until the end of the session 'of parliament (in which that term shall 'expire, if Parliament be then sittting, 'an Act of the 56th year of his present 'Majesty, for establishing regulations 'respecting Aliens arriving in or resident 'in this kingdom in certain cases;' and that a clause has been introduced into the said bill by the House of Lords, enacting, that such persons as may have been naturalized, or claim to have become naturalized, since the 28th of April last, by the effect of any act of the parliament of Scotland heretofore passed, relative to the Bank of Scotland, or who may claim to be naturalized by becoming partners of the Bank of Scotland after the passing of this act, shall be deemed and taken to be aliens, notwithstanding the provisions of any act of the parliament of Scotland, whilst the provisions of this act relative to aliens shall remain in force; that the petitioners have severally become purchasers of stock in the Bank of Scotland since the 28th day of April last, upon information given to them, that by the act of the Scots parliament in 1695, establishing the Bank of Scotland, which act has been confirmed by five acts of parliament in the reign of his present majesty, they should thereby acquire the rights and privileges of British subjects; that the petitioners have been long resident and domiciled in this country, carrying on business as merchants, and most of them have children natural-born subjects of his majesty; and they can obtain the most unquestionable testimonies to their loyalty, general character, and mercantile credit; that the petitioners are willing to conform to all regulations prescribed in the case of foreigners who become naturalized by act of parliament, and having purchased stock at the Bank of Scotland upon full and entire faith in the law as it stood when they became proprietors of such stock, and having a confident belief that no person in this country was ever deprived of his rights by a retrospective law, the petitioners most humbly pray, that the bill now before parliament may not extend to disfranchise them of their just rights legally acquired since the 28th day of April last,"

Mr. *Tierney* considered the best mode of proceeding would be, to refer the matters submitted in the petition to a committee of the House to report thereon. He, in fact, knew nothing, nor did he think the House knew much more, of the Scotch act said to be in existence. With the view, therefore of obtaining more accurate information on the subject, he would move, "That the said Petition be referred to a committee to examine and report the matter thereof to the House.

Lord *Castlereagh* rose for the purpose of opposing the motion. Nothing could be more obvious than the design of the petitioners in their conduct, with respect to the purchases they had made of stock of the Bank of Scotland; their obvious intention was, to defeat the provisions of a bill then in its progress through parliament, which was intended to apply precisely to the case. It was not the wish of that House, he imagined, to lend its aid to parties harbouring such intentions. The amendment of their lordships to this bill had originated in the information received by his majesty's government, that the intention of the persons then purchasing into the Bank of Scotland was, to defeat the object of all the regulations and arrangements which had been or were making, with respect to this most delicate of all subjects connected with the internal policy of this country with respect to aliens. The facts of the case had been admitted. Of these purchases, or their proposed object, there could not be a doubt; and under these circumstances, certainly the House would never consent that forty-nine persons should take advantage of this opportunity to defeat the intention of that House, and entitle themselves to naturalization, in despight of the barriers opposed to their intention by this act, more particularly when it was an undoubted fact that seventeen or eighteen of these very persons had been seeking to become naturalized in the ordinary way prescribed by law, and were not able to show themselves entitled to such a privilege, in consequence of which their application had altogether failed. Of the existence of this obsolete Scotch act, the House was not apprized when it passed the Alien bill of this year, or it would doubtless have provided by this or a similar clause, some mode of abrogating the provisions claimed under the provisions

of this act. The possession or purchase of 80*l.* worth of Scotch bank stock entitled the alien to be considered a naturalized subject of Scotland by the act of 1695, and by the act of Union, the naturalized subjects of Scotland became entitled to all the privileges of naturalized subjects of Great Britain generally. Thus this 80*l.* worth of stock placed this individual in precisely the same situation as if he had applied to parliament directly, and obtained an act of parliament, admitting him to the full participation of the privileges of British born subjects. But this portion of Scotch bank stock need not remain even in the possession of this person so naturalized any length of time so as to procure for him any native character, or promote his residence in the country, or afford any security for his good conduct. The next moment after it had served the purpose of his naturalization, he might tranfer it or dispose of it to any other foreigner, who might have occasion to want a similar exemption from the operation of the laws respecting aliens, and who in his turn might dispose of it to whom he pleased, let him be ever so notorious a delinquent, or so determined an enemy to the repose of this country. Thus this portion of stock might be made to traverse the continent, effecting the naturalization of numbers of persons into whose hands it might fall, by purchase or otherwise. This indeed, would be to give the utmost possible facility to all the disaffected, to evade those provisions, wisely interposed by the laws of the land, which looked with national and scrupulous jealousy upon foreigners, who were candidates for this distinguished favour. This was the character of our constitution, so distinguished from that of other countries; for instance, the American states, whose policy it appeared to be, to have as many foreign citizens as possible, with a view to increase her population and commercial intercourse throughout the world. England was not jealous of the residence of foreigners here, or their commecial intercourse with this country, but of their being admitted to a full and complete participation with British born subjects in all their privileges. This he elucidated by stating, that parliament had been obliged, in the case of prince Leopold of Saxe Cobourg, to pass a specific act to evade the 1st of George 1st, which provided that no naturalized person should be entitled to sit in parliament. A similarly jealous precaution had been adopted by another legislative provision, that no naturalization bill should be permitted to include within it a provision entitling the alien to obtain the the privileges of British subjects abroad. But now, by the revival of the obsolete Scotch act of 1695, all the operose provisions of the system for regulating the privileges of aliens, were to be defeated and rendered null and void, without even demanding of the alien any of the oaths or tests prescribed by law. These persons had obtained their rights by fraud of an act of parliament [Hear, hear!]. He repeated, that it was by fraud of an act of parliament. For the old law had been virtually repealed, both by the Scotch act, and by the act of Geo. 1st, and the 13th and 14th of Geo. 3rd respecting the naturalization of aliens. It would be monstrous to sacrifice the public interest and safety to a technicality of law—and that having framed a bill to guard against and regulate aliens, the legislature should be defeated in its object by an obsolete act of the parliament of Scotland, by which all purchasers of the stock of the bank of Scotland took themselves out of the class of aliens, and of course freed themselves from the operation of the bill. The retrospective nature of the clause had been complained of. This was a quality, however, very usually to be found in acts of parliament. Nothing was so common as in a bill augmenting the tax on a particular commodity, to make it operate back to the period at which it was introduced. When the bill for regulating the residence of the clergy was passed, it had also a retrospective effect: and there were various other precedents of the determination of parliament, when it thought any particular object desirable, not to be arrested by any consideration that a retrospective operation in a bill was unfitting. On these grounds he opposed the referrence of the petition to a committee. It was not a question of the merits or the demerits of the individuals. It was —whether an obsolete statute should be allowed to defeat the object of the present bill, and virtually to repeal all the naturalization laws — whether the legislature would sanction this short cut by which all the inhabitants of the continent, if they chose it, might become entitled to the privileges of natural born subjects of Great Britain? As to the Scotch statute what the legislature might eventually do with it he knew not. Its final fate was

not however at issue. What the House had to determine was, whether or not it should be suspended during the continuance of the Alien bill.

Sir *Samuel Romilly* rose, for the purpose of strongly supporting the petition. He could not conceive it possible that the House, if it had the least regard to principle, if it was not determined to act in violation of all law and all justice, would not consent to appoint a committee for the investigation of the subject. Since he had had a seat in that House, he had never seen a petition of greater importance, considering the nature of it in itself, and considering the extraordinary doctrines which had been just advanced by the noble secretary of state. The noble lord had said, that there was no occasion to refer the petition to a committee, because the House knew all the facts of the case. The House did not know the facts of the case. The noble lord himself did not know the facts of the case. The noble lord had asserted, that if an alien bought and held stock of the bank of Scotland for twenty-four hours, he became entitled to all the privileges of a natural born subject. How did the noble lord know that? Had the noble lord the act? If the noble lord was in possession of the act, it was a trick upon the House not to declare it, but the noble lord was quite mistaken, if he thought the repeal of only one act necessary. It would be necessary to repeal no less than five acts of parliament. It was a mistake to suppose that the individuals in question were entitled to their claims by the Scotch act merely. They were entitled to them by acts of parliament passed by the English parliament. By an act of the Scotch parliament in 1695, the bank of Scotland was created with a capital of 100,000*l.* The exact terms of that act it was not in his power to state, for it was impossible, such was the haste of the advocates of the present measure to procure it. In 1774, however, it being thought proper to increase the capital of the bank of Scotland, an act was passed by the English parliament—the parliament of the United Kingdom of England and Scotland—the act of the 14th of Geo. 3rd, c. 32, increasing that capital to 200,000*l.*; and in the 17th section of that act, it was declared that the act of the Scotch parliament in 1695 should remain in full force as to every particular, except so far as the same was altered by the act then passed, and that the provisions of that act of 1695 should operate with regard to the new stock, as they had operated with regard to the old;—in other words, that all purchasers of the new stock of the Bank of Scotland as of the old stock, should become naturalized subjects. This was done five several times. In the 32d of Geo. 3rd, another act was passed, farther increasing the capital of the Bank of Scotland, and in the 34th of Geo. 3rd, another; both declaring that the act of 1695 should remain in full force in the particulars which he had already described. And yet, in the teeth of these repeated acts of parliament, the noble lord had asserted that the individuals in question had obtained their rights by fraud of an act of parliament? A most monstrous assertion! Did the noble lord—a minister of the Crown, high in the confidence of the Prince Regent,—mean to assert, that it was not perfectly justifiable in those persons to purchase the stock in question, in order to become naturalized? Why, it was the advantage held out in order to induce aliens to become proprietors of the Bank of Scotland stock. When the bank of Scotland, was established which was a year before the establishment by charter of the Bank of England, it was a boon offered to aliens to tempt them to become proprietors. This boon the individuals in question had accepted, and now the noble lord called that acceptance a fraud on an act of parliament! To take it away would be a fraud on the part of parliament [Hear, hear!]. Parliament had offered certain conditions to aliens; and when, relying on the faith of parliament, they accepted them, parliament withdrew its part of the consideration, and put the alien purchaser in the situation of being compelled to sell the stock which he had purchased for a particular purpose, at the reduced price to which it must necessarily be lowered. The noble lord had appealed to precedents and to past times; and especially to the reign of queen Anne. Did the House recollect what was done in that reign? In the seventh of Anne it was enacted, that all Protestants were on landing in this country to become naturalized [Hear! from lord C.] He knew the meaning of the noble lord's cheer. The act of the 7th of Anne was thought inconvenient, and so it was repealed. But how was it repealed? Did the statesmen of that day dare to take away the privileges which had already been conferred? No.

The bill was prospective in its enactments. Its operation was not to commence until after the passing of the act. Three months were allowed to foreign Protestants to come and take benefit of the law, by rendering themselves entitled to the privileges of natural born subjects. A thing so extravagant, so contrary to all law, so completely in in violation of all justice, was never thought of before the time of the noble lord and his colleagues. And what was worse was, that it emanated from that branch of the legislature which was the supreme court of justice in the country [Hear, hear!]—that it proceeded from men who filled the highest judicial offices—who took an oath to administer justice with impartiality [Hear, hear!]. Those persons took indeed "a short cut," as the noble lord called it. They did not even venture to introduce the proposition in a bill, where it would be repeatedly discussed, but took care that there should be only one question upon it, by making it an addition to a bill already discussed. Much stress was frequently laid on the forms of parliament. Here all forms had been violated. The House of Commons sent to the House of Lords a bill continuing an existing law; the House of Lords returned it with the repeal of an existing law [Hear, hear!]. And this they called an addition to the bill! By this proceeding they told the House of Commons, "either the bill to which you have agreed, shall not pass into a law at all, or it shall be accompanied by an amendment which we have added to it, and which is wholly alien to its original object." And this was done on the presumption, that the hurry at the close of a session, would prevent the House of Commons from having any alternative. A monstrous proceeding [Hear, hear!]. There was another view of the case which was most important. He did not profess to be very learned in the law of parliament, but unless he utterly mistook that law, he conceived that the House of Commons could not consistently with its privileges, agree to this amendment. For observe what was its effect. To subject a large description of persons to the alien duties. This was one part of its injustice. Another was the forfeiture of estates. Suppose among the forty-nine persons who had availed themselves of the act, there were some who had done so for the purpose of purchasing estates. Was the House aware, that the effect of this clause would be to make those persons forfeit the estates so purchased? If aware, would it be so regardless of every principle of law and justice as to consent to the proposition? Reverting, however, to the law of parliament, he observed, that he had been looking into authorities to see how that law stood with respect to the circumstance to which he had recently adverted; and he found that the House of Commons had rejected amendments made by the House of Lords, that were much more remotely connected with the privileges of the Commons with respect to money regulations than this clause by which alien duties were imposed. The last precedent in Mr. Hatsell's work, was in 1791, when the House of Commons threw out a bill returned to them by the House of Lords, for regulating the distribution of rewards in cases of felony, be-the House of Lords had diminished one of the rewards of 40*l*. The House of Commons rejected this as an interference with their privileges. But how inferior an interference was it to the present, in which the House of Lords proposed to tax individuals? In 1787 the House of Lords made an amendment to a bill sent up to them from the House of Commons respecting Horsham gaol, which amendment was to the effect, that Horsham gaol should be repaired in the same manner as other gaols. On this, the bill was thrown out by the House of Commons, because the amendment imposed on individuals the payment of money. It was one of the most important privileges of the House of Commons, and one which ought to be vigilantly guarded, to originate money bills, and he did conceive that the present was a case in which that privilege ought to be strongly asserted—The act respecting the stock of the Bank of Scotland, was only one of many acts in which parliament had held out to aliens the advantage of becoming naturalized. Service by aliens in the fleet and the army, residence of aliens in the colonies at various periods, were by acts of parliament rewarded by conferring on them the privileges of natural born subjects. The noble lord, in justification of the retrospective character of the clause, had referred to the act by which actions against the clergy for non-residence were suspended. He (Sir S. R.) did not conceive that that act was altogether justifiable, although there were circumstances which lessened the objections to it; but at any rate it ought to be remembered

that it was not passed without hearing the individual who was to be affected by it. He was sure that it little occurred to many hon. members, who agreed to that act, that it would be adduced as a precedent in a case like the present. Thus it was, that availing themselves of precedent after precedent, the noble lord and his colleagues proceeded step by step to invade and destroy the liberties of the people [Hear, hear!]. I do not know (said Sir Samuel) what course the House is about to take on this subject, although I cannot help suspecting what that course will be—a course utterly unwarrantable to the individuals more immediately concerned, and utterly repugnant to the spirit of all parliamentary proceeding. Deeply involved as our privileges are in this question, yet as this parliament will in all probability be dissolved in a very short period, I fear its last act will be an act of signal injustice. Such, Sir, will be a fit close for the greater part of our proceedings. Apprehending that we are within a very few hours of the termination of our political existence, before the moment of dissolution arrives, let us recollect for what deeds we have to account. Let us recollect that we are the parliament which, for the first time in the history of this country, twice suspended the Habeas Corpus act in a period of profound peace. Let us recollect that we are the confiding parliament which intrusted his majesty's ministers with the authority emanating from that suspension, in expectation that when it was no longer wanted, they would call parliament together to surrender it into their hands—which those ministers did not do, although they subsequently acknowledged that the necessity for retaining that power had long ceased to exist. Let us recollect that we are the same parliament which consented to indemnify his majesty's ministers for the abuses and violations of the law of which they had been guilty, in the exercise of the authority vested in them. Let us recollect that we are the same parliament which refused to inquire into the grievances stated in the numerous petitions and memorials with which our table groaned—that we turned a deaf ear to the complaints of the oppressed—that we even amused ourselves with their sufferings. Let us recollect that we are the same parliament which sanctioned the use of spies and informers by the British government—debasing that government, once so celebrated for good faith and honour, into a condition lower in character than that of the antient French police. Let us recollect that we are the same parliament which sanctioned the issuing of a Circular letter to the magistracy of the country, by a secretary of state, urging them to hold persons to bail for libel before an indictment was found. Let us recollect that we are the same parliament which sanctioned the sending out of the opinion of the king's attorney-general and the king's solicitor-general, as the law of the land. Let us recollect that we are the same parliament which sanctioned the shutting of the ports of this once hospitable nation to unfortunate foreigners flying from persecution in their own country. This, Sir, is what we have done; and we are about to crown all by the present most violent and most unjustifiable act. Who our successors may be I know not; but God grant that this country may never see another parliament as regardless of the liberties and rights of the people, and of the principles of general justice, as this parliament has been [Loud cries of Hear, hear!].

The *Attorney General* denied the position of the hon. and learned gentleman, that because the capital of the Bank of Scotland had at various times been increased by acts of the English parliament, aliens derived the rights in question from the English acts and not from the Scotch act. They derived those rights entirely from the original act of the Scotch parliament: on the Scotch law, and on the Scotch law alone the right stood. Now, with respect to the law itself, the Scotch act of 1695 was contrary in its regulations to the general principle of all naturalization bills adopted in this country; for it was without any restriction with reference either to religion, to country, or to any other circumstance. The naturalization acts for aliens serving for certain periods in our fleets and armies, residing in our infant colonies, &c. all required, first, that those aliens should be Protestants; secondly, that they should undergo certain ceremonies. That respecting aliens in the colonies, required a previous residence of seven years, and the taking of the oath of allegiance. Not so the Scotch act. Any foreigner, of whatever retigion, from whatever quarter of the world he might come, might, by the purchase of a certain quantity of Bank of Scotland stock become naturalized. In the seven years war an act of parliament passed to naturalize aliens

who had served three years on board his majesty's ships, but a special proclamation from the king was necessary for that purpose. Even the statute of queen Anne required certain qualifications. Let the House look at the preamble of the statute by which that statute was repealed, and they would see the acknowledgment of the mistake into which the legislature found they had been betrayed by their liberality. By the 7th of Anne, c. 5, it was enacted that all foreigners taking certain oaths should be deemed natural born subjects, they consenting to receive the sacrament of the Protestant church. In so short a period as three years after, another act was passed repealing the act of the 7th of Anne, the preamble of which recited the mischiefs and inconveniencies of the latter. It was true that this repealing act was not retrospective, nor was it to operate immediately on the passing of the bill. But why? Because the 7th of Anne was an invitation to certain persons to come to this country, who had immediately come in consequence, and taken the advantage of the act [Hear, hear !]. Did the gentlemen opposite mean to say, that any thing like this was the case in the present instance? The Scotch act was absolutely found out for the purpose of making that use of it which had been made. From the period of passing the first alien bill in 1793, down to this present 1818, he would ask those gentlemen if they ever heard of this Scotch act? Nobody would state that it was ever thought of until recently. It was almost obsolete. There was nothing, therefore, in the present case similar to that cited by the hon. and learned gentleman in the reign of queen Anne. Why should the petition be referred to a committee? The facts which were stated in it were not controverted. What would the committee have to inquire into? To the appointment of such a committee he should therefore object. As to the merit of the clause, that was a different question, on which he had formed his opinion, but with which opinion he would forbear troubling the House at that time, reserving himself for the time when that question should be distinctly before them.

Mr. *W. Smith* apprehended, that the great argument against the injustice of the clause rested on its *ex post facto* nature. There was no doubt that the petitioners had acquired the privilege held out to them by the act. That privilege empowered them to import goods into this country at a lower duty than in their prior character of aliens. To deprive them of this right appeared on the face of it to be a gross violation of justice, and an equally gross cession of the privileges of that House in money matters. Such an act could be justified only by necessity, and a committee was the place to inquire into the extent of that necessity. If it could be proved that the forty-nine persons in question were the greatest traitors in the world, and that the rights they had gained were calculated to produce inconvenience so serious, that it would be better to violate the privileges of that House, and the dictates of common justice, than to allow them to retain those rights, let it be so; but the committee was the only place in which the inquiry could be carried on.

The *Chancellor of the Exchequer* did not perceive that the introduction of the clause by the House of Lords was any infringement of the privileges of the House of Commons, with reference to money matters. He wished the hon. and learned gentleman would point out what were the alien duties which, in his opinion, gave to the clause that character.

Sir *S. Romilly* replied, that the right hon. gentleman had imposed a singular task on him, and one which he had not the means of executing—to point out the particular duties he alluded to. It was notorious that it was a great object with foreign merchants in this country to obtain exemption from those duties. Would the right hon. gentleman pledge himself that there were no alien duties in existence.

The *Chancellor of the Exchequer* said he would not take upon himself positively to assert that there might not be alien duties. What he had said was, that he was not aware of the existence of any.

Mr. *F. Douglas* wished to make one observation. It appeared, between his hon. and learned friend and the right hon. gentleman, to be perfectly uncertain whether there were alien duties or not. In this uncertainty how could the House conclude against the motion for inquiry?

Sir *A. Piggott* observed, that the right hon. gentleman would not undertake to affirm that such things as alien duties existed. There were some hon. gentlemen near him (Sir A. Piggott) who were perfectly ready to state that they did. Were a public purpose only at issue, this point

ought to be ascertained by inquiry; how much more so when the rights of individuals were about to be operated upon! Were there no alien duties in the city of London? Would the attorney-general deny that there were? Would the hon. and learned gentleman deny also that if an alien purchased land he could not hold it? If a natural born subject purchased land it was his own. If an alien purchased land he was only a trustee for the king, and might be dispossessed at any time. Now, when the situation of individuals was thus changing, and their property was subjecting to forfeiture, was it the House of Commons in which it was stated that this violation of right should be allowed without inquiry, and that by the same deed those privileges should be abandoned, of which they had hitherto been tenacious even to pedantry—which they had watched and guarded with a vigilance proportionate to their sense of their value? In addition to the instances quoted by his hon. and learned friend of the jealousy evinced by the House of Commons of any interference on the part of the other House of Parliament with money matters, he would mention a case which occurred in 1807, when an act passed by the House of Lords merely to relieve an Irish Catholic officer from the penalties of the Test act, which attached to him in this country, although they did not attach to him in Ireland, was rejected by the House of Commons as an encroachment on their privileges. Were there no other objections than these, it would appear to him astonishing that the House could entertain the clause sent down to them. But what was the bill? He knew not. He had never before seen a bill purporting to repeal an act of parliament, in which the act which it was intended to repeal had not been stated. He would ask the hon. gentlemen opposite, whether in the whole of their parliamentary experience they had ever heard of such a thing? such had never been the case even when the original object of a bill was the repeal of an act; but the extraordinary provision under the consideration of the House, was attached to a bill which existed for 25 years, without the occurrence of any inconvenience from the want of that provision. The other branch of the legislature, however, was in such a hurry, that it could no longer tolerate the act or acts (for it knew not which) in question. It was so intolerant of that, of the nature of which it was ignorant, that it could not pass the bill without adding to it this celebrated clause. And what was this clause? Did any man know what it was? It stated, that any man naturalized, or who might claim to be naturalized (two very different propositions), since the 28th of April last, should be subject to such and such disabilities. And why since the 28th of April last? He knew not. Why not since the 27th, or since the 21st, or since the 1st? What right had he, sitting there in utter ignorance of any ground for the proceeding, to consent to deprive any persons of property, to which they had as good a claim as he had to his own? What right had he to visit another with a law destructive of his interest, while he did not fail to take care of his own? The attorney-general had cited several Alien acts. He had alluded particularly to one passed in the reign of queen Anne, and repealed three years afterwards. But though repealed in three years, it had been enjoyed for three years. It had been enjoyed until the legislature thought fit on adequate grounds to repeal it. In the acts respecting aliens settling in our colonies, the legislature acted with due deliberation. As to the number of persons concerned, of what importance was it to tell him that there were only forty-nine? Were there but one, his rights ought to be sacredly respected. The law about to be abrogated, had existed so long without inconvenience—The constitution had not been endangered, no conspiracy had been proved against these individuals. Why, then, were they to be deprived of their rights? He utterly denied the assertion of the hon. and learned gentleman, that the right stood on the Scotch act of parliament. Five acts of the English parliament had given to the subscribers to the Bank of Scotland, as that bank increased in capital, all the privileges to which the subscribers to the Bank, when it was originally instituted, with a capital of 100,000*l.*, were entitled. If it were only for this clause, he should object most decidedly to this act; but he objected to it altogether. The House will however remember, that they had the power in their own hands of rejecting the clause: it was, as it seemed to him, an interference with the privileges of that House in money matters, and therefore he must protest against it, and propose to the House to reject this amendment.

Mr. *Canning* said, he did not intend

to follow the hon. and learned gentleman through the whole of his speech. It appeared to him that, in the latter part of it, he had stated a proposition which, if true, would entirely settle the question at issue. If the clause which the other House had introduced into the bill would expose those persons to higher penalties than were intended, then it would affect the privileges of this House. He had recently taken a part in a debate in which he had endeavoured to justify the proceedings of the other House, but he would never lose sight of the privileges of the House of which he had the honour to be a member. He should, therefore, now appeal to the chair; and if the speaker should declare, that there were privileges of that House with which the other House ought not to interfere, but which had been interfered with on the present occasion, he should concur in opinion that this House ought not to agree to the clause, He wished, therefore, before the debate proceeded any farther, to hear the opinion of the Chair.

The *Speaker* said, that being so called on, he felt himself bound to state the light in which he viewed this question. It was an important rule of that House, not only not to permit any interference of the other House either in imposing duties or taxes, or in enacting of penalties or forfeitures, but also not to permit the meddling in any other way than the correction of literal errors, with the bills on these subjects, sent up to them from this House. As far as he could collect, there were certain duties attached to aliens in this country, as traders, and a forfeiture by the existing law, in case aliens should acquire any real property in this country. On becoming subjects of this country they were entitled to exemption from those duties on alien traders, and a remission of the penalty in the way of forfeiture. It appeared, then, that the amendments of the other House might in this way be considered as interfering with what was the peculiar privilege of that House. But there was one point which excited a doubt in his mind, and that was, that having stated that aliens, on becoming subjects, were entitled to relief from certain duties, as well as to relief from the imposition of a penalty or forfeiture on the acquisition of property, the natural course of naturalization bills was their originating in the House of Lords; and so far they might be considered as giving a relief from penalty, and remission of duties. At the same time he did not state this as sufficient to counterbalance the arguments urged on the other side. He had to say, that, but for this difficulty of naturalization bills originating in the House of Lords, it appeared to him, that the amendment of this bill regarded subjects which fell within the description of those which the House considered as belonging peculiarly to themselves.

Mr. *Wynn* considered that the circumstanceof naturalization bills originating in the House of Lords did not affect the decision of the present question. A naturalization bill enabled a person to acquire property in this country, but by the present clause persons who had acquired property under the existing law in this country, would be deprived of that property. It seemed clear, that the clause was of such a nature as fell within the description of an interference with the privileges of the House.

Lord *Castlereagh* said, that on considering the opinion which had been pronounced by the chair, and the information given by the hon. member who spoke last, he felt there was but one course for him to pursue, namely, not to press the amendments introduced into the bill by the Lords [Hear, hear!].

Mr. *Brougham* said, that nothing could be more gratifying to the House, than to hear the noble lord state so candidly his sentiments on this subject.

Sir *J. Mackintosh* wished to suggest to his right hon. friend to withdraw his motion.

Mr. Tierney then withdrew his motion, and lord Castlereagh moved that the Lords Amendments to the Alien bill be taken into consideration.

Sir *S. Romilly* said, that the Lords had introduced a clause into this bill, which, it appeared to him, the House would feel themselves bound to reject. He believed that, in all cases where the House of Lords had introduced a clause into a money bill, it had been the practice of that House to throw out the bill. He had paid some attention to this point in the course of the morning, and had found several cases to this effect. He quoted three precedents. The first, of a clause added to a corn bill, the second, extending the penalties provided in a game bill, and the third directing the repairs of a gaol to be carried on in the usual way.

Mr. *Wynn* observed, that when a bill

was introduced into this House, which was in any respect a money bill, then if the Lords made any amendment, the Commons rejected the bill altogether. But it was doubtful to him, whether the Lords had not power to make an amendment in a bill which had passed that House, and which was not strictly a money bill. It would be for the House to determine whether the bill now before them came within the description of a money bill.

Mr. *Bathurst* saw no occasion to throw out the bill altogether; it would be enough to get rid of the amendment which involved penalties and forfeitures.

Mr. *Brougham* said, that as there seemed to be some difficulty in this matter, as far as regarded the privileges of the House, and the property of individuals, and different opinions had been given, they should not proceed too hastily. There could be no inconvenience in deferring the subject till to-morrow, and in the mean time a committee might be appointed to search for precedents.

Lord *Castlereagh* said, there appeared to be no serious doubt as to the clause being an inroad on their privileges, and postponement might lead to the supposition that doubt did exist. When the bill was sent up to the Lords, it was not a money bill; the Lords had added a clause to it, imposing penalties on the subject; the Commons dissented from the clause, but that furnished no reason for destroying the whole bill. The objectionable part might be removed by a conference.

Sir *J. Mackintosh* conceived that they were bound to adhere to the established law and usage of parliament. But were there no precedents directly applicable to the present case, he should, on the ground of general reason, think there were stronger grounds for rejecting the present bill than one which came within the description of a money bill. It appeared to him that this was a much more dangerous encroachment on their privileges. If a design really were entertained by the other House to infringe on their privileges, what would be the course they would pursue? Why, surely, by the insertion of grants of money in a place where it would not be suspected.

The *Speaker* said, that nothing was better established than the distinction between money bills, and bills with money clauses. In the former, any the slightest amendment by the Lords, excepting the correction of an error in the printing, was fatal; but it was not so in the latter, unless the amendment was made in the money clauses. If such a bill did come down, with the clauses amended, the course was to reject the amendment, but not the bill sent up. He begged leave to call the attention of the House to one case among the others that bore on the present. A militia bill was sent up to the other House in 1813, containing, among other amendments, the insertion of an entire clause, which was on the second reading here rejected. A conference was held—the reason of rejection was clear, namely, that the Commons could not agree to an alteration in a money bill; but in the explanation, at the conference, the clause was said to be inadmissible—first, as being unnecessary—and the managers added, the Commons decline offering any other reasons at present. He apprehended such was the usual course.

The Lord's Amendments were then disagreed to *nem. con.* and, on the motion of lord Castlereagh, a Committee was appointed to draw up Reasons. The said Reasons were afterwards reported and agreed to; and Mr. Bathurst was directed to desire a Conference with the Lords.

HOUSE OF LORDS.

Saturday, June 6.

ALIEN BILL.] The Marquis of *Lansdowne* reported that the managers of the Lords had attended the managers of the Commons, and that lord Binning, on the part of the managers of the Commons, had delivered to them the Alien bill, and had stated at the same time, that the Commons disagreed to an amendment made by their lordships to that bill. The Commons declined giving any reason for that disagreement, except that they considered their lordships amendment was inexpedient. Upon this report being read, the earl of Liverpool moved, that "This House do not insist upon its amendment."

Earl *Grey* expressed his surprise at the manner in which the report had been received. The bill in question had been sent down from that House to the Commons, with a clause which had been introduced, with an express allegation that it was indispensable to give the bill effect, and their lordships were called upon, so important was the clause considered, to dispense with their usual forms in order that it might be passed with the greater celerity. Notwithstanding this proceed-

ing, however, now that the Commons had thought proper to reject the clause, they were called upon, without any explanation, to subscribe to a resolution which militated entirely against their former opinions. For his own part, he thought the bill was much improved by the omission of this clause; for he could not help coming to the conclusion, that it was not only impolitic, but unjust. He thought, in fact, that every thing which went to render the bill inefficient would be productive of public advantage. But when he recollected that a majority of that House had agreed to the bill in its amended form, he considered that the preservation of their dignity, as a branch of the legislature, demanded some other course than that which had been taken. The House of Commons had not condescended to give any reason for the rejection of their amendment, and yet they were called upon, without explanation, to abandon that, without which it had been strongly urged the bill would be totally ineffective. The noble earl then proceeded to comment upon the impropriety of coming to this determination in the absence of those who had supported the amendment, and who, to maintain their own consistency, ought at least to have an opportunity of explaining the grounds upon which they might be inclined to accede to this new proposition. With these feelings, and with a view that the House should take the subject deliberately into their consideration, he would move as an amendment, "That the farther consideration of this report be deferred to Monday next, and that the Lords be summoned."

The Earl of *Liverpool* said, that he was not prepared to retract one word of the opinion he had given upon the importance of this clause. Both in point of policy and justice, he considered it necessary to the protection of the natural rights of British subjects. For if it were possible by a trick, such as this clause was meant to guard against, to enable a foreigner to obtain all the rights of a natural-born subject, there would be an end of all their labours for a century past for the maintenance of those rights. There might be different opinions respecting the policy to be adopted in the admission of foreigners to the rights of natural-born subjects: some might be for excluding them altogether; others for admitting them under regulations more or less rigid; a third opinion might be that they should be admitted without any limitation. He was not now going to discuss which of these opinions was the most proper for a country to adopt; for whatever course might be thought preferable with respect to aliens, all would agree that the legislation respecting them ought to be consistent, and that one law ought not to be allowed to counteract all the legislative regulations adopted on the subject of naturalization, so long as it was thought fit that these regulations should be continued. Indeed, when the clause was discussed by their lordships, no one objected to it as a prospective measure; it was only its retrospective operation that had caused a difference of opinion. He could scarcely believe any individual existed who would say that a law should be suffered to remain in force, by which any foreigner, however rancorously disposed towards this country, might at the expense of 80*l.* obtain all the rights of a natural-born subject, without taking the oath of allegiance, or submitting to any of the regulations which the legislature thought proper to adopt in passing naturalization bills. This extraordinary act was not known until April last. He would ask their lordships whether any of them supposed the existence of a measure by which a foreigner who had purchased stock to the extent of 80*l.* one day, might sell it the next to another, and naturalize him also, and thus make the rapid process of naturalization go on without limitation? He was too well convinced of the loyalty and patriotism of the other House of parliament to suppose that they would not apply a remedy to such a state of things. The reason assigned at the conference, that the Commons considered the amendment in the bill inexpedient, warranted the supposition he had made. This expression of their sentiments supported the opinion, that they would have no objection to accomplish the same object in another way. He had no doubt that the objection of the Commons did not apply to the clause substantially, but to its introduction into this particular bill. He therefore thought that a distinct measure, having the same object, would be approved both by their lordships and elsewhere. On that ground he had recommended to their lordships not to insist upon their amendments.

Lord *Holland*, were it not for the state of humiliation in which the House was placed, would have been disposed to consider the whole proceedings relative t

the clause in question, rather as a subject for mirth and pleasantry, than for serious consideration. The whole tendency of the noble earl's argument was to prove that their lordships would have acted most preposterously had they not adopted this clause, and that the Commons have done wrong in refusing to agree to it, and yet he concluded with proposing that it should now be rejected. The words "not expedient," it appeared, had damped his courage, and he affected to believe that the Commons, who he inferred had acted very absurdly, would, notwithstanding, adopt what their lordships were desired to reject. After boasting that he himself had retracted no opinion, he had the singular modesty to ask their lordships to retract all theirs. He said, "You must now alter the opinions you have solemnly given on the subject, because the Commons, who have just given a proof of their disapprobation of your opinions, will be sure to take them up as soon as you yourselves reject them." This was a strange sort of reasoning, and full of deep humiliation; but it was in the criminality more than in the inconsistency of the proceeding, that the humiliation was to be found. A gross violation of the rights of property was contained in the clause which the Commons had rejected. The noble earl had more than once spoken of the trick and device by which, he asserted, certain aliens had attempted, since April last, under the Scotch act of parliament, to procure their naturalization; but they had only availed themselves of an existing law; whereas the noble earl, in contradiction to all the principles of law and justice, proposed to deprive them of their property and rights. But let not their lordships "lay the flattering unction to their soul," that this was merely an act of the Scotch parliament. It was no such thing, though, as an act of the Scotch parliament recognized by the Union, it was the law of the United Kingdom. It originated with the Scots parliament, but it was re-enacted by the British parliament in the year 1774. The noble earl called upon any person to say, whether he knew of the existence of this act before the month of April last? Why should the noble earl ask that question, or why suppose that the act was unknown? Because the noble earl himself was in ignorance of it, was it to be unknown to every other person? But if it were true that nobody knew any thing of the act, that would be a reason, not for adopting the noble earl's motion, but for entering into an inquiry on that point, previously to a full consideration of the whole subject. Fortunately, violence and injustice generally defeated their own purpose, and in this case ministers had most completely defeated themselves. He wished not to be understood as accusing their lordships of either violence or injustice, but the whole transaction was of such a nature, that it unavoidably excited in his mind the consolatory feeling he had expressed. It was said, that the clause could not be looked upon as tending to an infraction of the rights of property; that the law being long unknown and dormant, the repeal of it could produce no injury to individuals. This, however, was all gratuitous assumption. It had never been proved that the law was unknown; but, admitting this assertion to be true, that was not a sufficient reason for the clause their lordships had been induced to adopt. Ignorance of the law did not protect unfortunate men for breaking it, and he did not understand why legislators, who did not know the law which it was their duty to know, should make their ignorance an excuse for depriving other men of their rights. The aliens who had purchased shares in the Bank of Scotland, held that property by the same title that their lordships held their estates, namely, the sanction of law. The measure which the noble earl had supported rendered foreigners mere trustees at the will of the Crown, and liable to the forfeiture of any land they may have become possessed of. When the noble earl was formerly urging their lordships to adopt the clause, he declared he was quite impatient under the existence of a law, the effect of which was, if acted upon, to give the rights of free-born subjects to any foreigners, without being compelled to take an oath of allegiance, or without an obligation to perform any of the duties of a subject. He was before anxious for its repeal, not only prospectively, but retrospectively; and nothing would satisfy him short of the disfranchisement of all the individuals who had obtained legal rights under the Scotch act, since the 28th of April. Now, however, he was more moderate, he was content to mix a little water with his wine. The retrospective part of the clause, which he now spoke of as a little matter by-the-by, was to be omitted.

In fact, the only consistent part of the noble earl's conduct was, his precipitation and impatience. He had been all impatience to get the clause passed, and he was now in an equal hurry to get it rejected. If, however, their lordships must stand in a white sheet on this occasion, he thought it becoming that they should go through the work of repentance with due deliberation and solemnity, and would therefore support his noble friend's motion, for the farther consideration of the subject on Monday.

The Marquis of *Lansdowne* said, that upon a former occasion he admitted that the facility afforded to foreigners by this act of the Scotch parliament should not be allowed to exist. He was still of the same opinion; but he ever thought that, in justice, the repeal of it should be prospective, not retrospective. It would be a great injustice, to deprive foreigners of the advantages they enjoyed under an act passed for many years, recognized by the British parliament, and under which they had acquired property. Foreigners became possessed of rights under this act, in the same way as all other rights were obtained—by law. It was attempted to justify the repeal of this act, upon the ground that it had fallen into disuse, and was quite unknown. But such was not the case. The existence of the law was well known, and though persons not immediately interested in it might not have been aware of its existence, it was familiar to many. The best mode, in his opinion, would be, to adjourn the consideration of this question to a farther period. By that means they would give time for the introduction of a new bill, which might be carried regularly through all the stages in both Houses. What had occurred on this occasion was an addition to the many proofs that the privileges of the two Houses tended greatly to public utility, though their exercise might occasionally be attended with some inconvenience.

The Earl of *Harrowby* saw no injustice in the measure which had been adopted by the House. A law allowing such facilities to foreigners as the Scotch act of parliament did, should not be allowed to exist. It was nothing more than a private act, passed more than 120 years ago for a local object. It was now brought under their lordships notice for a particular purpose, after having for a long time remained forgotten, and almost completely unknown. He did not blame those who made the discovery of the act upon which the objection to their lordships amendments was founded; but the conduct of the noble lord opposite was most singular; for, after resisting the clause proposed, he now objected to their lordships rescinding it. With regard to what had been said on the subject of the act of 1794, he was persuaded that when that act passed, the tendency of the act of the Scotch parliament must have escaped observation.

The Earl of *Lauderdale* said, that a noble earl had defied any person to say, that he knew this to be the law of the land in April last. He could assure that noble earl that he was well aware of the existence of such a law. A noble friend of his, knew that he had stated to him many months back that such was the law. There was not a single director of the Bank of Scotland, or an eminent lawyer connected with that Bank, who was not aware of it. It was not a mere dormant act, or one merely emanating from the parliament of Scotland. It was recognized and confirmed by various acts of the British parliament. It was so recognized in the 14th, the 28th, and 34th of the king. It was said to be a private act; it was no such thing. It had been long acted upon. Many foreigners had purchased property upon the faith of it, and it would be most unjust to deprive them retrospectively of its benefits. It was as public as any act upon the statute book, but like many others in which persons were not immediately interested, it had not been adverted to. He was well aware that a law of the kind existed, but he did not consider himself called upon to communicate the circumstance, and he was not sorry that he had given an opportunity for proposing the amendment, which was rejected by the other House.

The House then divided upon earl Grey's amendment, Contents, 21: Not-contents, 32. The original motion was then carried.

HOUSE OF COMMONS.

Saturday, June 6.

Alien Bill.] On the return of the committee appointed to manage the conference with the Lords, lord Binning, on the part of the managers, stated, that the managers on the part of the Lords had received the reasons assigned by the Com-

mons for rejecting their lordships amendment to the Alien bill.

Mr. *Canning* rose to call the attention of the House to the circumstance of a misrepresentation, which he might say was unprecedented since he had had the honour of a seat in parliament. This misrepresentation occurred in a statement purporting to be an account of what took place in the House last night, in that part of the debate on the consideration of the Lords amendments to the Alien bill, where, after an hon. and learned gentleman had objected to those amendments, as affecting the privileges of the House, he (Mr. Canning) appealed to the Chair for an opinion on the question. In a newspaper of this morning there was not only a report of what then occurred, but a comment of a nature which, as it affected a particular member, or the privileges of the House in general, was most offensive, far exceeded the usual latitude allowed in such cases, and could never be tolerated. It would be in the recollection of the House, that when this point of form arose, he, after making a few observations, put a question to the Chair, saying, he was willing to rest the issue on its decision; and it was in the description of the tone and manner in which it was said to have delivered his sentiments on that occasion, and made this appeal, that he thought the House implicated, and he, individually, had reason to complain. In the report itself there was no unfairness or misrepresentation. It stated the substance of what he said, and gave the view that he took as correctly as such reports were generally given; but nothing could be more unfair than the comment which followed, and which described him as treating the objection of the hon. and learned gentleman as absurd, and confidently and triumphantly appealing to the Chair for a confirmation of his opinion, and in expectation of a different answer from that which he received. The words to which he alluded, and of which he complained were these:—"It will be recollected that a clause was introduced into it by the Lords, invalidating the effect of a law, derived originally from Scotland, whereby it was first enacted, that the purchasers of stock in the bank of that country should be deemed naturalized; and afterwards, by the act of Union, the naturalized subjects of one country were in future to be admitted to equal rights in the other. This law, we say, was, by an express clause in the Alien bill, to be set aside: but it was last night discovered and argued in the Commons, that such a clause, having relation to money concerns—to the money concerns of the subject—could only originate in that House. A debate ensued, in which Mr. Canning treated the idea then first started, as absurd; triumphantly and confidently declaring, that he should be content to put the question to the Speaker, and to be decided by him (being, as he is, the constitutional watchman of the Commons' rights), whether the present was a money transaction at all, within the purview of that law which makes it necessary to originate all such in the Commons. There is such a thing as "reckoning without your host;" and here it appears that Mr. Canning did so reckon; for the Speaker, thus appealed to, declared his opinion that the clause in question was of such a nature as to render its origination in the Lords irregular and illegal." Now, Sir, (said Mr. Canning) what passed on the occasion alluded to, passed in a House as full as at present, and I can confidently put it to your recollection, and to that of the members who then attended, whether the manner in which I stated my sentiments, the expressions which I used, and the tone in which I made the appeal, were not the very reverse of those here described: and whether any man who heard me could, without doing it falsely, perversely, and malignantly convey to the public the representation which I have read. I can not only rest the matter on the impression of the House, but I can appeal to you whether, from previous communication on the point at issue, I had not good reason, at the time when I put the question, for believing what was your opinion; and whether so far from entertaining a confident hope of eliciting from the Chair an answer contrary to what was given, I had not a perfect anticipation of what that answer would be. It is not my intention to found any proceeding upon this subject. I think it enough to have pointed out the misrepresentation, in order to induce greater caution in future. I am of opinion, that great good must and does result from the publication of the proceedings of this House; but it is not too much to require in those who communicate them to the public, a respect for truth, and an attention to correctness; and it is not to be tolerated, that they should impute motives or represent con-

duct without the least shadow of fact for their statements.

The *Speaker* said, that though he could not, without great delicacy touch on any thing in which he was personally concerned, he owed it to the House and to the right hon. gentleman on this appeal, to confirm every thing which he had stated. When a question arose about the forms of the House, on which, from his situation, he might be supposed to deliver his opinion, he thought it due from him to communicate his impressions either to the House, or to any individual member of either side who might make the appeal to him. He had accordingly, on being asked by the right hon. gentleman his opinion, mentioned it to him previously to its being stated to the House; and he would have done so to any other member; convinced that by concealing his impressions on matters of form from any member, he should be doing what was neither consistent with courtesy, or right [Hear, hear!].

A member asked the name of the newspaper alluded to.

Mr. *Canning* said, "The Times."

Mr. *Brougham* concurred in the statement, that nothing could be more distant from a true representation of what had occurred than the comment which had been read. He had a perfect recollection of the circumstances, and could say, that the tone in which the right hon. gentleman delivered his sentiments was incorrectly stated. He was glad to hear from the right hon. gentleman, a liberal admission of the benefit to be derived from free discussion and the unrestrained publication of what occurred in the House, but comments of the sort alluded to, when inaccurate, were very much to be reprobated. He himself had reason to be dissatisfied with similar comments on what he had said, though he always felt reluctant to complain. On a late occasion, he was said to have made an attack on a great law officer, and then to have retracted it; whereas it would be in the recollection of the House, that what were called the attack and the retractation referred to different things, and that neither the one nor the other existed; he, speaking of the court in the one case, and of the character of the individual at the head of it in the other.

Here the conversation ended.

Mr. *Tierney* said, the House had now been for some minutes without any business before it. He wished to know from the noble lord, whether any measure was to be brought forward to-day, which required so full an attendance, or whether they had been convened on a Saturday only to have the pleasure of sitting to look at each other. If the noble lord had any measure to propose, he would perhaps state the nature of it now, that the House might be prepared for it whenever it was brought forward.

Lord *Castlereagh* said, it appeared to his majesty's government that it was not fit the law should remain in the state in which it was now, with respect to the continuing the privilege of naturalization on the smallest purchase of stock in the bank of Scotland; he should therefore, on Monday next, introduce a bill on this subject; it would be a short bill, to suspend the operation of the Scotch act in favour of aliens purchasing such stock till the next session. The bill would have no retrospective provisions, and he did not think it would lead to much discussion.

HOUSE OF COMMONS.

Monday, June 8.

EDUCATION OF THE POOR COMMITTEE.] Mr. *Brougham* brought up a Report from the Committee appointed to inquire into the Abuses of Charitable Institutions for the Education of the Poor. On moving that it be printed he was desirous to offer a few observations respecting a circumstance which had very recently come to the knowledge of the committee, and which, had it not so recently been communicated to them as to render it impractible to do so, he should certainly have mentioned in the statement which he had on a former occasion made to the House, as one of the strongest cases that could be adduced in support of the necessity of strict investigation. This circumstance was, the abuse of a charitable fund in the county of Huntingdon. The House would hear with surprise, that the whole of that which gave the patronage of a borough in the county he had mentioned which returned two members, and which had never been disputed, was the gross and wilful abuse of a great charitable estate, intended strictly for the education of the poor. Land had been bequeathed in the reign of Edw. 2nd for the purpose of a school, which was then of the estimated value of 35*l.* It consisted of 145 acres, in the neighbourhood of a large and populous town. This land

had risen greatly in value, both from its position and from its fertility. Its pre sent rent however was only 160*l.* although its valne according to the low-lowest estimate, was within a trifle of 900*l.* a year. Who were the lessors of this estate? The mayor and twelve aldermen of the borough, Who were the trustees of the estate? The mayor and twelve aldermen of the borough. Who were the lessees, who derived the benefit of possessing the land at a rent so diminished? Certain inhabitants of the town to whose property the land was contiguous, and whose support it was desirable to secure. Who were they? The mayor and twelve aldermen of the borough. Those gentlemen were the lessors, the trustees, and the lessees of this estate, all in one. They let these lands to themselves, at such rents as were convenient, and accommodated themselves in every possible manner out of this, which was the property of the poor. In this borough the right of voting was in the burgesses. The burgesses were chosen by the mayor and aldermen. Now, under whatever circumstances a burgess might be chosen, when he became a burgess he remained so. "Once a burgess, always a burgess." It could not be expected, therefore, that these voters would always vote the right way, unless there were means for keeping them in order. Those means were simple. It was necessary for the convenience of these voters, that they should be in possession of some of the lands he had alluded to, and the mayor and aldermen gave to each of them such a portion as was deemed expedient. Of course there was never such a thing as a contested election in that borough. The question was put to the individuals concerned, "have you ever that which is not considered very agreeable, either in the House of Commons, or among those who are candidates for that House—an opposition?" The answer was, "Never; ours is what is called a maiden borough." And this for the most obvious reason—that those burgesses who did not vote for the candidates set up by the mayor and aldermen, would be deprived of the possession of the land held by them. "But," it might be asked, "does all this pass without notice or control?" It was marvellous that this, the worst and grossest of all the cases of robbing the poor which had come to the knowledge of the committee, was exempted from the control of the commission appointed by the bill, in consequence of that most fatal clause that had been introduced, exempting from the visit of that commission charities for the inspection of which a special visitor was appointed. (It really looked as if the present case had been sent to the committee to fill up the vacuities which might be supposed to exist in their former statement.) And who were the visitors in this instance? The mayor and twelve aldermen of the borough! The lessors, the trustees, and the lessees! The men who in all their various capacities, abused, defrauded, and robbed the poor! If, after this statement, any man pretended to doubt that the bill for remedying these abuses, if not entirely nullified, had been grievously spoiled and crippled by the ill fated alterations which it had undergone, and if any man pretended to doubt that that House ought not to rest and slumber until a bill was brought in early in the next session, to supply the deficiences which those alterations had occasioned, he could not conjecture by what motive such a man could possibly be influenced, unless by an abstract love of doubt.

The Report was ordered to be printed.

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ALIENS AND DENIZENS BILL.] Lord *Castlereagh* observed, that the House had that evening received a message from the House of Lords, stating that their lordships did not insist on the amendments made by them in the Alien bill. Under these circumstances, he felt himself under the necessity of calling the attention of the House to the existing law, which, he was confident they would unanimously agree with him, ought not to be left in its present state. With respect to the clause which had been added to the bill by the Lords, the objections to it were not founded on any hostility to the general scope of the measure, but on its being an invasion of the privileges of the House of Commons, and on its containing a provision of a retrospective nature, which it was not now intended to introduce. He really could not anticipate any opposition to the bill, for which he was about to move. For whatever difference of opinion might exist with respect to any particular branch of the question, no person would maintain that it was desirable to allow foreigners to obtain all the privileges of naturalization, merely by the purchase of the stock of a banking company. The House must be aware that whatever disposition might exist to receive foreigners

on the most enlarged and liberal terms, and whatever anxiety there might be to push that principle to its farthest extent, it never could have been in the contemplation of the legislature, that all foreigners without distinction should have the power of obtaining naturalization by such means. In truth, the law on this subject was so guarded, that parliament had imposed a restraint on itself. As the law now stood, no bill to naturalize an alien could be proposed without a clause denying the alien the power of sitting and voting in parliament. In order, therefore, to give an alien the full rights enjoyed by a natural-born subject, parliament must specially repeal that regulation. It never could be supposed, that it was the intention of the legislature to give a trading company a power so paramount to that possessed by parliament. The Crown could not grant a military commission to an alien, without the special sanction of parliament in a positive law. But here, by a clause in an ancient Scotch act, the Crown might employ as many foreigners in the army, as had acquired a portion of the stock of the bank of Scotland, by means independent of the control of parliament, or of the bank of Scotland itself —for the Bank had no jurisdiction, they could not say whom they would admit, or whom they would exclude as proprietors. By obtaining the smallest portion possible of the stock, without taking any oath, or performing any public service, those aliens became entitled to all the privileges of natural-born subjects; and might have military commissions granted to them by the Crown. Under the existing law, therefore, the Crown might employ foreigners in its military service to any extent. Without any farther statement, he was persuaded he might assume, that it would be the universal opinion of the House, that that was not a state of the law which should be allowed to exist any longer in this country. It would certainly have been his duty to propose a permanent arrangement of this dangerous and anomalous state of the law, if the session had not been so near a close, and if the subject had not been one which required a good deal of consideration. It appeared, that besides the privileges conferred on the alien purchasers of the Bank of Scotland stock, there were some corporations in the United Kingdom, which had the faculty not of absolutely naturalizing foreigners who became members of them, but of making them denizens, without the consent of the Crown. It never could have been intended by the legislature, for a small sum thus paid by aliens, to these corporations, to incorporate them into the constitution without regard to their number or qualifications. He apprehended, therefore, that it would be necessary for parliament to take the subject up at an early period of the next session, to look deliberately through the whole frame of the laws respecting it, and to adopt measures which should prevent such high privileges from being obtained by means wholly incommensurate to them. With respect to the suggestion thrown out, that the bill ought to contain a specification of the particular acts against which it was directed; if it were a permanent act, that would be very fitting; but, as the object was merely to keep the question in the view of parliament, and to prevent gross abuses, until there was leisure for more deliberate legislation; and, as there was reason to believe, that there existed in other corporations powers of a similar, though of a less degree, it was not desirable to place the legislature in the unnecessary embarrassment of being obliged to point out all the laws connected with the subject. It would be most prudent to provide generally at present against the evil, and to reserve the recitation of particular acts for the permanent measure. Another doubt had been thrown in the way of passing the bill through all its stages with the least practicable delay, which was, that, as it touched the rights of a corporation, they would not have sufficient notice of the measure. No notice, however, appeared to him to be so satisfactory as passing a short bill. For, even if the House proceeded to legislate on the subject in the ordinary course, passing the various stages from day to day, the Bank of Scotland, as well as the other corporate bodies who were affected by it, would probably, on the spur of the moment, not be aware of what it might be immediately necessary for them to offer in opposition to it. The House, too, would, he was sure, feel the impossibility of giving a notice of such an extent as to admit an opportunity for the greatest possible political mischief. He, therefore, apprehended that the most satisfactory course would be, to suspend the law for a short and limited period, and then every thing that the parties interested might have to submit to parliament, might be considered

more fairly than if we were now to legislate upon it. On these grounds he trusted that the House would consent to pass the bill through all its stages on that day. There were a number of precedents for such a proceeding where the case was clear. He had omitted to mention, that the Bank of Scotland had written a letter to the governor of the bank of England, to call its attention to the very great number of foreigners who, since the introduction of the Alien bill into parliament, had proceeded to acquire stock in the bank of Scotland. The noble lord concluded by moving for leave to bring in a bill "to prevent aliens, for a time to be limited, from becoming naturalized, or from being made, or becoming denizens, except in certain cases."

Sir *James Mackintosh* rose by no means to oppose the motion. The sting of the clause on which it was founded was the retrospective part of it, that most outrageous, that most violent attack on justice, public faith, and private property. Such was his opinion when it first came under his consideration, and subsequent deliberation had only confirmed it. As that most objectionable and abominable part of the measure had been withdrawn, he was ready to acknowledge that it was necessary to do something on the subject. He was by no means disposed to say, that the mode of naturalizing aliens in question was the most convenient and reasonable. On the contrary, he would frankly declare, that he thought it very inconvenient and unreasonable. He had no objection, therefore, to consent to any well considered measure for the removal of that which involved so much absurdity. But although he had no objection to a deliberate measure, he should be very scrupulous in adopting any hasty step, especially after what had been developed within the last fourteen days. What a series of discoveries had been made by the ministers of the Crown during those fourteen days! Before the Alien bill passed the House of Commons, they were not aware of the existence of the Scotch act. That was the first discovery. When the bill came from the House of Lords they were not aware that the clause which had been added to it was a money clause. That was the second discovery. They had since ascertained that there were other corporate bodies in the United Kingdom, a share of whose stock gave to aliens the whole or a part of the privileges which they derived from becoming possessed of a share of the stock of the Bank of Scotland. That was the third discovery. The inference was, that the House ought to be very cautious in adopting any measure recommended to them by a government which was compelled to plead guilty to a series of gross blunders and mistakes—a government which had been so discreditably negligent in informing itself with respect to an important proposition that it had submitted to parliament. If parliament had blindly confided in the representations of his majesty's ministers, it would have been betrayed into the adoption of a measure which it was agreed on all hands would not have effected its purposes, and which he should have considered as the greatest blot that had ever defaced the Statute book. But he would tell the noble lord and his friends, that they had still farther discoveries to make. If ever there was an instance of discreditable negligence on the part of a government, informing itself with respect to any proposition to be submitted to parliament, the fact that he was about to mention would prove that the present was one. It was argued in the other House by the highest legal authorities, and the argument was repeated in the House of Commons, that the purchase of Bank of Scotland stock by an alien, abrogated the provision of the act of Settlement, which prohibited an alien from sitting and voting in the House of Commons. The ministers and law-officers of the Crown represented this as a great motive for adopting the clause brought from the House of Lords. Strange to tell! all their arguments were in the face of a clause in a statute not obscure or superannuated—a statute passed the year after the Union for the purpose of completing it—he meant the statute of the 6th of Anne, chap. 7, section 30; in which were the following words:—"Be it further enacted, that every person disabled from being elected and sitting and voting in the Parliament of England, shall be also disabled in the Parliament of Great Britain." Thus the disabilities created in England by the act of Settlement, were by this statute extended to the inhabitants of Scotland; making it impossible that an alien, however he might have obtained his naturalization, could sit and vote in parliament. The noble lord opposite ought to have known of this statute. He did not mean to say, that it was incumbent on the noble lord himself to have found it

out; but it ought to have been supplied to him. He did not believe that the noble lord could wish to pass the proposed bill in the extremely general and vague terms in which it was then before the House, and he trusted the noble lord would have no objection to insert the names of the corporate bodies which it affected, not in the preamble but in the enactments of the bill, which it was of the highest importance to do. If the noble lord disliked naming those bodies, at least let them be designated by description; and let not the words of the bill remain so loose as to lead to the conclusion that the noble lord was so uninformed of the state of the law, that he was afraid he should not describe all the cases which it was desirable to comprehend in the bill, and therefore described none of them. He should certainly move in the committee an amendment, to remove from the statute the disgrace which this circumstance at present attached to it.

The *Attorney General* remarked, that considerable doubts existed in the minds of many persons as to the operation of the statute of the 6th of Anne, in preventing aliens who had been naturalized by the purchase of Bank of Scotland stock from sitting and voting in parliament. The hon. and learned gentleman had adduced the want of reference on the part of his majesty's ministers and their legal advisers to the Scotch act of 1695, as a reproach. If it was a reproach, it was a reproach which they shared with four different parliaments, which had passed acts for giving further effect to that Scotch act. The 14th, the 23rd, the 32nd, the 34th, and the 44th of Geo. 3rd were all confirmatory of that act, and were all contrary to the standing law of the country, which provided that no act should be brought in for the naturalization of aliens, without a clause prescribed by the act of the 1st of George 1st, that such aliens should not have seats or votes in the House of Commons. Either the framers of the acts to which he alluded were ignorant of the peculiar operation of the Scotch act, or they ought to have introduced in their acts the clause which he had described. The fact was, however, that it was only very lately that this provision in the old Scotch statute had been discovered. With respect to the provisions of the bill, he would not anticipate any discussion upon them. He would, however, just beg leave to observe, that the acquisition of the privilege of denizenship by aliens, was not confined to the purchase of the stock of certain corporate bodies. Certain acts of the parliament of Ireland gave rights almost as extensive as those given by the Scotch act. They gave aliens the right of going and purchasing the freedom of companies in certain corporations; such as that of Dublin, that of Drogheda and others. These aliens, therefore, became denizens by their own voluntary act, without the consent of the Crown, by paying a small sum to one of those corporate bodies. This was one of the cases contemplated in the bill. The question for the House to determine was, as there was no time in the present session for looking through the various acts of parliament for that which might or might not be discovered, whether it would not be wise to pass a law suspending the operation of these rights for a limited time, and to leave it for a future parliament to consider if they should be abrogated, altered, or how otherwise dealt with.

Mr. *W. Smith* said, he had decidedly reprobated the clause introduced into the Alien bill by the House of Lords. The proposed measure, he was happy to say, had his entire concurrence.

Mr. *Wynn* said, he had also objected to the clause not only because it was an encroachment on the privileges of the House of Commons, but also because it was a measure of confiscation repugnant to every principle of law and justice. To the present proposition he had no objection whatever. It was perfectly proper, if such powers existed as those to which it referred, that they should be suspended until the legislature could at leisure consider them. The clause which had been adverted to in the act of Settlement, was there inserted, in consequence of the jealousy entertained by parliament of the liberality with which king William rewarded the foreigners who were attached to his person and interests. They feared that this liberality might be carried to an extent dangerous to the constitution. Two acts had since been passed, by which all foreign Protestants were allowed to be naturalized in this country, on the single condition of taking the oath of allegiance; and there was an act of the Irish parliament, by which the same privilege was conferred with the licence of the lord lieutenant.

Sir *W. Burroughs* considered the present proposition as most expedient.

Mr. *Brougham* expressed his approbation of the bill, as all retrospect was abandoned in it. He had, however, to propose one proposition which was necessary to make the measure *bonâ fide* prospective; and that was, instead of enacting that the provisions of the bill should become operative, "immediately after the passing of the act," to specify a particular day—say Thursday or Friday. It should be recollected that the place where the purchases of stock were to be made was 400 miles from this metropolis. Suppose on Wednesday morning next an alien in Edinburgh, who could not by possibility have heard what were the provisions of the present bill, purchased Bank of Scotland stock, became in consequence naturalized, and bought an estate—the consequence of enacting that the operation of this bill should commence immediately after the passing of the act, would be, that although the bill did not profess to be retrospective but only prospective, such an alien would incur the forfeiture of his land. Under those circumstances he should have no objection to the suspension of the standing orders, and to allowing the bill to pass through all its stages on that day. The standing orders were a great protection to the subject, and ought not to be waved on slight grounds. But the peculiar nature of the present emergency induced him to consent to their suspension.

General *Mitchell* said, he had been in the city that day, and had heard orders given within the last two hours by aliens at the Bank of England, for the purchase of stock in the Bank of Scotland, no doubt with a view of defeating the present bill.

The bill was brought in, and read a first time. On the motion for the second reading,

Lord *Castlereagh* said, he apprehended all parties would allow that parliament was under the necessity of adopting some measure, with a view to put a stop to the effect which resulted from depositing money in the Bank of Scotland. Now though it might be proper that persons making *bonâ fide* purchases under the existing law, should not be deprived of the rights which such purchases gave them, yet from the moment that from parliament's deliberating on the subject, it appeared that the provision of the Scots act would defeat all the ends of the Alien bill, and that it was impossible to suppose parliament would allow the operation of that bill to be so defeated—from that moment every person who made purchases of Bank of Scotland stock, made such purchases with a full knowledge that the legislature would not consent to their being attended with the advantages given by the Scots act. If parliament were to adopt the suggestion of the hon. and learned gentleman, a great number of most obnoxious individuals, who ought not to be allowed the privilege of British subjects, would, in the interval, obtain the object they had in view, and be placed beyond the reach of parliament. An hon. and gallant general had just stated, of his personal knowledge, that several purchases had lately been ordered by foreigners, with a view to defeat the object which parliament had in view by legislating on the subject. He would ask the House, if they meant this measure to have any effect? If they did so, by agreeing to the suggestion of the hon. and learned gentleman, they would be completely preventing it from having any effect. The period, after which no orders for purchase could be considered as *bonâ fide*, ought at least to be carried back to the notice which he gave on Saturday. But he would even contend, that the proposing the clause in the Lords was a complete notice to all parties who wished to purchase Bank of Scotland stock, that if they did so, they did it at their peril. He contended, therefore, that sufficient notice had been given to all parties concerned.

Mr. *Brougham* begged leave to protest against the noble lord's doctrine of notices. Said the noble lord, "Did I not give notice in my place on Saturday?"—Why, what if he did so? What is his notice more than mine, or more than the notice of any other member in the House? This was giving that retrospective effect to the measure, which it had been understood by all was not to be given to it. It was true, indeed, that the retrospective operation did not extend to a whole month, as formerly, but only to 48 hours; but the one was as dangerous in principle as the other. But the noble lord had laid it down as a principle, that from the moment the attention of parliament was called to a subject, from that moment the rights of individuals might be affected by the acts of the legislature. In this short hand way, suspending the standing orders of the House, letting a bill pass through all its stages in one day, and allowing it to have a retrospective effect from the moment the attention of the House was first called

to the subject, there was no security for property. This measure was neither more nor less than a violation of the act of Union. By the 18th article of that act, it was provided that no alteration of the public rights of Scotland should take place, except the alteration was for the benefit of the whole realm, and that the private rights of individuals should not be altered, except for the benefit of those individuals. Surely, after such a provision, if the rights of individuals were to be taken away, they ought, at least, to be taken away by a prospective operation. Now, with respect to the present measure, he would suppose the act to take effect from to-morrow. Suppose yesterday a person to have been dispatched in quest of stock of the Bank of Scotland. On Wednesday morning he would be able to arrive at Edinburgh, and might make purchases. In doing so he would be acting *bonâ fide;* for he had no right to consider the bill to be brought in retrospective. Having seen a retrospective clause rejected, the inference must have been, that the new act would be prospective; and purchasers had therefore no reason to think that their purchases would be brought within the operation of the act; and that the stock purchased on Wednesday, on the supposition that the act would not be retrospective, would not entitle them to all the advantages of the existing law. That stock would not only become of a different value; but if any landed estates were purchased on the faith of the existing law, these estates would be forfeited to the Crown.

Mr. *Canning* agreed with the hon. and learned gentleman, that up to the period of the notice given by his noble friend, purchases might be made *bonâ fide*, and that if such purchases were to be affected by the bill, the operation of it would be retrospective. After the abandonment of the clause of the Lords, and in the interval between such abandonment and the notice given by his noble friend, persons might take advantage of the Scotch act, under the notion that ministers had abandoned all intention of suspending its operation, and that their purchases would be safe. But he could not agree with him, that the clause of the Lords was given up on Friday night, because its effect was retrospective. The hon. and learned gentleman must have singularly mistaken all that took place in the House that night, if he thought that this was the cause of its rejection. The amendments of the Lords were rejected solely on the ground of interfering with the privileges of the House. That amendment which the hon. and learned gentleman had proposed was not at all necessary to the abolition of the retrospective effect of the measure. It was not contended by his noble friend that a notice of a motion should be considered as binding on the subjects of this country; but when the object of that motion was one respecting which there was and could be no difference of opinion—no person could conceive that the measure respecting which such notice was given would not be adopted by the House. All persons possessed of a semblance of prudence, must have known, that after this notice no purchases could be made with the least prospect of enjoying the advantages conferred by the Scots act. With respect to private rights, the hon. an learned gentleman had gone too far. In proportion as the privileges of a British subject were valuable, they ought not to be communicated in the manner they would be under this absurd law. Well, then, they were legislating for a great public object, and to do so with effect they ought to do so as expeditiously as possible. What were the arguments used by the opponents of the abolition in all the debates on the Slave trade? He knew no argument on which so much stress was laid as this, that to affect private rights would be a stain on the legislation of the country—rights secured by a series of laws for more than a century. What was the argument of the abolitionists in answer to this? That in passing a law for a great national object they should not be deterred by the circumstance of its affecting the interests of individuals, but let the individuals aggrieved come forward with a claim for indemnification. Well, then, let the individuals who might consider themselves to have suffered from the present measure, come forward next session and state the case to the House, and after hearing their statement parliament would determine whether any compensation should be made to them for the injury done them in carrying into effect a great national object.

Lord *Folkestone* said, that the conduct of ministers exhibited on this occasion the same inconsistency which had marked it throughout the whole of the last and present sessions. They now said it was necessary to the security of the country that this measure should pass in an unpre-

cedented manner. One of them had lately argued, in a very elaborate manner, that it was necessary it should have a retrospective effect. How could the House and the country confide in those who argued, three days ago, that it was necessary for the measure to have a retrospective effect, when they saw them come down now and propose it without that which was said to be essential to it?

General *Thornton* said, he hoped if purchases of Bank of Scotland stock gave foreigners a right to sit in that House, that ministers would make the measure so far retrospective as to deprive them of that right.

The bill was then read a second time, committed, the report received, and the bill read a third time and passed.

HOUSE OF LORDS.

Tuesday, June 9.

ALIENS AND DENIZENS BILL.] Lord *Sidmouth* moved the first reading of the bill "to prevent aliens, for a time to be limited, from becoming naturalized, or being made or becoming denizens, except in certain cases." The noble lord stated, that the object of the bill was, to prevent any alien, under the Scots act of 1695 for establishing the Bank of Scotland, or under acts relative to other corporations, from becoming denizens in virtue of such acts previously to the 25th of March next. The bill would merely suspend the operation of these statutes, and afford an opportunity next session for the due consideration of any proposition for the repeal of the Scots act of 1695, and other acts of a similar nature. In order that the bill might pass through the subsequent stages, he should move the suspension of the standing orders.

Lord *Holland* thought the noble lord strained the precedents for suspending the standing orders too far when he applied them to the present measure. Though he did not mean to oppose the measure itself, he could not help remarking on the extraordinary conduct of ministers respecting it. They had declared themselves totally ignorant of an important law, and had presumed that every individual had been equally ignorant. But if they showed ignorance at the outset, they manifested still more in the progress of the measure. They began to apprehend that there were possibly other acts besides that which had at first alarmed them, which it would be necessary for them to suspend. These laws, however, they could not point out, but, without specifying them, it was proposed, contrary to every principle of legislation and justice, that they also should be taken away. Another instance of their ignorance was, the assertion, that under the Scotch act of parliament, any alien who purchased stock would thereby be enabled to sit in parliament, contrary to the act by which foreigners were excluded. This was far from being the fact; for by the 6th of Queen Anne, cap. 7, it was provided, that every person disabled from sitting in the parliament of Ireland was also rendered incapable of sitting in the parliament of Great Britain. This he did not urge as an argument against the bill, but to show their lordships how cautious they ought to be in adopting legislative proceedings, on the recommendation of ministers, who proved themselves so completely ignorant of every thing connected with the subject on which they proposed to legislate. What had occurred on this occasion reminded him of the advice once given him by an eminent person, a relative of his, whose memory he regarded with affection and veneration; that person had observed, equally wisely and truly, that "when politically in the dark, the best thing that could be done was to stand still." Contrary to this prudent maxim, it was the practice of ministers, whenever they were in the dark, to run straight forward, not caring against what they might run their heads, or whom they might overturn. It was difficult to say what might be the consequences of this blindly adopted measure. It might be a question whether it would not take away the rights of English children born between this and the 25th of March, who would otherwise be natural born subjects, and whether it did not take away the rights of the descendants of the princess Sophia of Hanover. He did not say it had those effects, and he thought it had not; but still there was much doubt and obscurity on the face of the measure; and if time were allowed many errors in framing it might be corrected. The flagrant injustice of the retrospective clause in the former bill was what he had most objected to. That objection he was glad to find was now in a great measure removed, though even as the bill now stood, it appeared to cast "a longing lingering look behind" towards the old injustice. He could not see that persons who purchased

stock for the express purpose of naturalization, under a law authorizing that object, were less entitled to the rights so acquired, than those who had purchased it without that view, and found themselves accidentally naturalized. He, therefore, did not approve of the clause which fixed the commencement of the operation of the bill now, rather than at three or four days after it had passed. There was another objection which might be urged against this bill; but so little time was allowed for considering its bearing, that he could not venture to speak positively on the effect of any of its provisions. It might be a mere misapprehension in him, but he conceived it probable, from the preamble of the bill, that it might trench on some of the prerogatives of the Crown with respect to aliens. But no part of the prerogative, their lordships knew, could be taken away without a recommendation from the Crown. It would, however, complete the climax of ignorance on the part of ministers, if after proving themselves ignorant of the Scots act of 1695, of the practice of parliament relative to amendments of several Irish and English acts, they should finally manifest their ignorance of the prerogatives of the Crown. He, in general, disapproved the course of proceedings which had been adopted, but as the retrospective clause was removed from the bill he should not object to its passing.

The standing orders were suspended, the bill read a second time, and the motion for committing it negatived. It was then read a third time. On the question that it do pass,

Earl *Grey* said, he could not permit proceedings fraught with such dangerous consequences to take place, without entering his protest against its being made a precedent. Ministers, he was aware, had placed themselves in a situation of difficulty. He alluded to the general belief of the speedy dissolution of parliament. He was aware that, at such a time, delay might be attended with much inconvenience, as the country was making preparations for the new elections; but, notwithstanding that inconvenience, he should have been disposed rather to meet it than to run the risk of establishing any precedent of this kind. The standing orders ought only to be suspended on questions of great public importance, and not merely for the sake of expedition. The principle on which they were to be suspended was, that the measure was of such urgency that delay would be attended with injury to the public interest. Now this could not be said to be the case with respect to the present bill: for no danger to the public could arise, whether it was passed this day, or a week hence. It could not be said to be a measure of such necessity as to require so extraordinary a departure from the usual course of their lordships proceedings. Ministers had acted most improperly on this occasion, in not proposing the measure to parliament at the time when it might have received full consideration; and nothing could be more disgraceful than the ignorance they had displayed throughout the whole proceeding. They had now reached the last stage of the bill, when the noble and learned lord on the woolsack had only to put the question that it do pass, and yet those who had proposed the measure had not, and could not explain what acts of the legislature it repealed, and what right of the subject it took away. When the former bill was before the House, the noble and learned lord on the woolsack had proposed to word the clause so as to do away all modes of naturalization, except by act of parliament. He had objected to this; and the noble and learned lord did him the honour to allow the full weight of his objection. He would now ask the noble lords, whether they knew the extent and bearing of their own measure? Was there ever an instance in that House of a measure of such importance being brought forward, of the extent and bearing of which the ministers who proposed it appeared to be ignorant, or at least would not explain? He remembered on the occasion of a bill being brought some years ago from the other House of parliament, the object of which bill had his concurrence, as it was to relieve persons who differed from the doctrine of the Church of England from certain severe penalties, that the learned lord on the woolsack, and another learned lord, objected to its repealing all penalties under acts of parliament which were not specified. Now this was precisely the objection which he made to the present bill. It was for the House to determine whether they would now establish a precedent for thus rashly repealing acts of parliament. The rights of foreign seamen serving in the navy, of foreign Protestants settled in the colonies, and of foreign Protestants serving in troops in the colo-

nies, were, according to the bill, saved; but were these the only rights that might be affected? There were several acts of parliament inviting foreigners to settle in Ireland, with a view to the political interests of that country. Were their lordships certain that these acts could be repealed without a breach of faith? It was provided in some of these acts that they should take effect under the licence of the lord-lieutenant, but these acts were not saved by any exception in this bill. It was a serious consideration, that the persons whose rights were suspended, might, before the 25th of March, be sent out of the country on the information of some of those miscreants whom ministers encouraged and associated with, and be thus placed in a situation never to be able to prosecute their rights. This was a case in which the wholesome rules framed for the security of the rights of individuals and the public interest had been set aside: and therefore he could not permit the bill to pass without expressing his disapprobation of the rashness with which it was framed, and protesting against the course by which it was passed becoming a precedent.

The Earl of *Liverpool* said, there were numerous instances in which the standing orders had been suspended merely for the sake of expedition, without any reference to the importance of the measure. The standing orders, however, could not be suspended without a day's previous notice, and in this their lordships had a sufficient security against surprise. When it was agreed that the orders should not be suspended without a day's notice, their lordships expressed an opinion that they might be suspended at any time, without reference to the importance of the measure. But he was not disposed to rest the question on this ground only. Independently of any expectation of a dissolution of parliament, if it could have been calculated that the House might sit a month on this bill, it would, in that case, have been necessary either to suspend the standing orders, and pass the bill with the same rapidity as now, or to give it a retrospective effect. If it should have been neglected to do one or other of these things, there would soon have been no alien in the country to be affected by the bill. They would all have been naturalized under the act relative to the Scotch Bank. He therefore maintained, if there ever was a case of necessity, though he did not agree that necessity must always be made out in order to warrant the suspension of the standing orders, this was one. As to the objection that the acts affected by the bill were not specified, that would be very worthy of consideration, if there were time for inquiry. It was, however, agreed on all hands that the mode of naturalization taken away by the bill ought not to exist, and yet it was not repealed, but only suspended. The noble lord had asked what rights the measure took away; in fact it afforded none. It only suspended for a time the capacity of acquiring rights. Their lordships would agree with him, that it was not fit persons should acquire the rights of naturalization, except in a regular and definite manner; and to prevent the infringement of that principle was the sole object of this measure.

Earl *Spencer* protested against this unjustifiable measure. He complained of the manner in which it had been introduced by a clause tacked to the end of a bill, and hurried through the House without any previous discussion. When he saw all the errors that had been committed through excessive haste, he thought it constituted a precedent that ought on no account to be established.

Lord *Holland*, alluding to the plea of necessity that had been so strongly insisted on by lord Liverpool, advised him to be a little more chary in the use of it, and to reserve it, like Goliah's sword, only to be brought forward on urgent occasions. It was but three or four days ago that the noble earl had maintained with the utmost pertinacity, that it was absolutely necessary for the safety of England and the peace of Europe that the bill should have a retrospective effect. Since that period, however the noble earl had been able to lay his head on his pillow, without suffering much from fear of the terrible effects that must follow if the retrospective operation of the bill should be entirely done away. He therefore could put very little trust in the soundness or sincerity of any arguments that the noble earl might adduce on the score of necessity. As to the argument that the noble earl had urged from the immediate expectation of a dissolution, he remembered that some years since a dissolution had been hurried to save the establishment from the danger of an act that was impending; and yet that very act which was thought so dangerous in 1808, was passed *sub silentio*, some

years afterwards. He thought, therefore, that the noble earl's ideas of necessity might vary again in the course of four or five days, and that by that time he might feel no apprehension though 49, or 69 or 89 aliens more should become naturalized by buying a share in the bank of Scotland. Upon the whole, he thought the present proceeding one that covered with shame the ministers of the country, both from their ignorance of the laws and their contempt of the rights of the nation.

The Bill was then passed.

PROTEST AGAINST SUSPENDING THE STANDING ORDERS.] The following Protest was entered on the Journals, against suspending the standing orders of the House, in order to pass the supplementary Alien Bill through all its stages in one day.

"Dissentient,

"Because to suspend the standing orders of this House is at all times a proceeding liable to grave objections, and only to be justified by some urgent necessity: but to suspend them for the purpose of hurrying through all its stages, in one day a bill, which must have the effect of suspending various acts of parliament, which have not been named, and which the House has not had an opportunity of considering, seems to us to defeat the purposes for which they were devised, and to set at nought the reasons upon which they are founded,

(Signed) GREY.
VASSAL HOLLAND.
LAUDERDALE.
SPENCER.
MONTFORT.
ROSLYN."

HOUSE OF LORDS.

Wednesday, June 10.

THE SPEAKER'S SPEECH TO THE PRINCE REGENT ON PRESENTING THE MONEY BILLS.] This day his royal highness the Prince Regent came in the usual state to the House of Peers. His Royal Highness having taken his seat upon the throne, surrounded by his ministers, the Great Officers of his household, and other attendants, sir Thomas Tyrwhitt, the gentleman Usher of the Black Rod, was ordered by his Royal Highness to proceed to the House of Commons to command their attendance. Shortly afterwards the Speaker accompanied by a great number of members came to the bar.

The *Speaker* delivered at the bar the following speech,

"May it please your Royal Highness,

"We, his Majesty's faithful Commons, of the United Kingdom of Great Britain and Ireland, attend your Royal Highness with our last bill of supply.

"In obedience, Sir, to your Royal Highness's recommendation, we have not failed to apply our anxious and continued attention to the state of the public income and expenditure,—and heavy, as unquestionably the weight and pressure still remain upon our finances, we have the satisfaction to observe that the revenue in its most important branches, is gradually and progressively improving.

"Among the various duties, Sir, in which we have been engaged, there is none, perhaps, that could have devolved upon us, more interesting in itself, interesting in itself, or more in union, we are persuaded, with the sincere and unfeigned sentiments of all classes of his majesty's subjects, than the duty of adopting the necessary measures for the fulfilment of those engagements, which your Royal Highness was graciously pleased to communicate to us, as having been concluded with the courts of Spain and Portugal on the subject of the Slave Trade.

"Nor, Sir, have we been less attentive to another subject of great public importance earnestly recommended by your Royal Highness to our early and particular consideration—the deficiency which has so long existed in the number of places of public worship belonging to the established Church. To the remedy of this deficiency, we have most readily afforded large and liberal assistance, well convinced that the first and dearest interests of this country, its truest happiness, its soundest prosperity, its surest independence, its proudest and most substantial national glory, are all involved and blended intimately and inseparably in the religious and moral habits of its people.

"The bill, Sir, which it is now my duty humbly to present to your Royal Highness is intituled—'An act for supplying certain 'monies therein mentioned for the service 'of the year 1818'—to which with all humility, we pray his majesty's Royal Assent."

The royal assent was immediately given to the above and to several other bills.

THE PRINCE REGENT'S SPEECH AT THE CLOSE OF THE SESSION.] His royal highness the Prince Regent then delivered from the throne the following Speech:—

"My Lords and Gentlemen;

"It is with deep regret that I am again under the necessity of announcing to you, that no alteration has occurred in the state of his Majesty's lamented indisposition.

"I continue to receive from foreign powers the strongest assurances of their friendly disposition towards this country, and of their desire to maintain the general tranquillity.

"I am fully sensible of the attention which you have paid to the many important objects which have been brought before you.

"I derive peculiar satisfaction from the measure which you have adopted, in pursuance of my recommendation, for augmenting the number of places of public worship belonging to the Established Church; and I confidently trust, that this measure will be productive of the most beneficial effects on the religion and moral habits of the people.

"Gentlemen of the House of Commons;

"I thank you for the supplies which you have granted to me for the service of the present year; and I highly approve of the steps you have taken with a view to the reduction of the unfunded debt.

"I am happy to be able to inform you that the revenue is in a course of continued improvement.

"My Lords and Gentlemen;

"On closing this session, I think it proper to inform you, that it is my intention forthwith to dissolve the present, and to give directions for calling a new parliament. In making this communication, I cannot refrain from adverting to the important change which has occurred in the situation of this country, and of Europe, since I first met you in this place.

"At that period, the dominion of the common enemy had been so widely extended over the continent, that resistance to his power was by many deemed to be hopeless; and in the extremities of Europe alone was such resistance effectually maintained.

"By the unexampled exertions which you enabled me to make, in aid of countries nobly contending for independence, and by the spirit which was kindled in so many nations, the Continent was at length delivered from the most galling and oppressive tyranny under which it had ever laboured; and I had the happiness, by the blessing of Divine Providence, to terminate, in conjunction with his majesty's allies, the most eventful and sanguinary contest in which Europe had for centuries been engaged, with unparalleled success and glory.

"The prosecution of such a contest for so many years, and more particularly the efforts which marked the close of it, have been followed within our own country, as well as throughout the rest of Europe, by considerable internal difficulties and distress. But, deeply as I felt for the immediate pressure upon his majesty's people, I nevertheless looked forward without dismay, having always the fullest confidence in the solidity of the resources of the British empire, and in the relief which might be expected from a continuance of peace, and from the patience, public spirit, and energy of the nation.

"These expectations have not been disappointed.

"The improvement in the internal circumstances of the country is happily manifest, and promises to be steadily progressive; and I feel a perfect assurance that the continued loyalty and exertions of all classes of his majesty's subjects will confirm these growing indications of national prosperity, by promoting obedience to the laws and attachment to the constitution, from which all our blessings have been derived."

Then the Lord Chancellor, having received directions from his royal highness the Prince Regent, said—

"My Lords, and Gentlemen;

"It is the will and pleasure of his royal highness the Prince Regent, acting in the name and on the behalf of his majesty,

that this parliament be now dissolved; and this parliament is dissolved accordingly."

HOUSE OF COMMONS.

Wednesday, June 10.

FINANCE.] General *Thornton*, seeing the chancellor of the exchequer in his place, was desirous of getting, for the benefit of the public, some information with regard to the 5 and 4 per cent annuities. He had understood the right hon. gentleman to have said, in moving for leave to bring in a bill for establishing the new 3½ per cent annuities, that such a measure would, amongst other advantages, facilitate the paying off the 5 and 4 per cents, but he was not aware that power was given by that or any former act of doing so during the recess. From the flourishing state of our finances, he did not think it unlikely the funds might rise so considerably before the next session of parliament as to render it expedient to pay off those annuities. In that case, it would be to be lamented if such a favourable opportunity should be lost in consequence of no authority having been given by a legislative proceeding before parliament should separate. It was certainly of importance to the public to have a saving made amounting to between two and three millions annually, at the same time that faith to the public creditor would be strictly preserved.

The *Chancellor of the Exchequer* said, he conceived that whenever such a measure should be adopted, faith to the public creditor would require arrangements to be made, which must receive the sanction of the legislature, and therefore it could not be carried into execution until parliament should again meet. He did not think an act could with propriety have been passed in anticipation of the occurrence of a favourable opportunity of paying off the 5 and 4 per cents.

SLAVE TRADE.] Mr. *Wilberforce* observed, that he had received information on which he could depend, that the slave trade was openly carrying on to a great extent in the French colonies on the North West coast of Africa, and that this inhuman practice was accompanied by circumstances of peculiar atrocity, murders having been committed by wholesale in its prosecution. As it was extremely desirable to prevent the possibility of any effectual revival of this detestable traffic, and as one great means of doing so would be to ascertain, as far as it was practicable, the real facts of the case, he would move, "That an humble Address be presented to his royal highness the Prince Regent, praying that he would be graciously pleased to order that there be laid before this House a Copy of any Communication regarding the renewal of the Slave Trade on the North West Coast of Africa."

Lord *Castlereagh* could assure his hon. friend, that every disposition was manifested by the French government to put an end to the traffic in slaves; but his hon. friend must be aware how difficult it was to cause a trade of that kind suddenly and entirely to cease in any colony, more especially when that colony had but recently passed into the possession of the power by which it was held. Although he was apprehensive that considerable mischief had taken place in the quarter alluded to, yet he by no means believed that it was to the extent reported. With respect to his hon. friend's motion, as the information for which he wished was not in such a shape as would allow of its production, and as his hon. friend had, by calling the attention of the House to the subject, effected in some measure the object which he had in view, he was desirous that his hon. friend would withdraw it.

The motion was then withdrawn.

Soon after two o'clock the usher of the Black Rod required the attendance of the House in the House of Lords. The Speaker and the members present accordingly attended. When the members of the House of Commons returned to their House after the dissolution, divested of their legislative character, Mr. Manners Sutton, the late Speaker, offered to read the Speech at the table, as is usual after a prorogation. Mr. Tierney objected to any such proceeding, as implying some approbation of this mode of dissolution, which he considered as an insult to parliament. Mr. M. Sutton observed, that he had consulted Mr. Hatsell that morning on a case where there was no precedent, there having been no such dissolution since that of the Oxford parliament, in the reign of Charles 2nd. The difficulty did not depend on the members present being no longer a House of Parliament. That circumstance equally existed in the case of a prorogation. But the peculiar difficulty of this case consisted in his being no longer a Speaker. Lord Castlereagh said, that the gentlemen present might incur a

præmunire, if they appeared to deliberate as a House of Commons. It was remarked, that there could be no harm in a conversation between Mr. C. M. Sutton and his friends round the table. The Speech was not read, and the gentlemen separated.

The following Proclamations were issued in the course of the afternoon:

By his Royal Highness the Prince of Wales, Regent of the United Kingdom of Great Britain and Ireland, in the name and on the behalf of his Majesty.

A Proclamation,

For declaring the calling of a New Parliament.

George *P. R.*

Whereas we, acting in the name and on the behalf of his majesty, have thought fit, by and with the advice of his majesty's privy council, to dissolve, and have by such advice as aforesaid this day dissolved the parliament, begun and holden at Westminster the twenty-fourth day of November, in the year one thousand eight hundred and twelve, in the fifty-third year of his majesty's reign, and from thence continued by several prorogations to the twenty-seventh day of January, in the year eighteen hundred and eighteen, and which on the said twenty-seventh day of January was holden and sat and continued sitting from thence until and upon this tenth day of June, when it was by us dissolved as aforesaid. And we being desirous and resolved, as soon as may be, to meet his majesty's people, and to have their advice in parliament, do hereby make known to all his majesty's loving subjects our will and pleasure to call a new parliament: and do hereby farther declare, in the name and on the behalf of his majesty, that, with the advice of his majesty's privy council, we have this day given order that the chancellor of that part of the United Kingdom, called Great Britain, and the chancellor of Ireland, do respectively forthwith issue out writs, in due form and according to law, for calling a new parliament. And we do hereby also, in the name and on the behalf of his majesty, by this Proclamation under the great seal of the United Kingdom, require writs forthwith to be issued accordingly by the said chancellors respectively, for causing the Lords Spiritual and Temporal, and Commons, who are to serve in the said parliament, to be retuned to and give their attendance in the said parliament; which writs are to be returnable on Tuesday, the 4th day of August next.

Given at the Court at Carlton-house, the 10th day of June, one thousand eight hundred and eighteen, and in the fifty-eighth year of his Majesty's reign.

God save the King.

By his Royal Highness the Prince of Wales, Regent of the United Kingdom of Great Britain and Ireland, in the name and on the behalf of his Majesty.

A Proclamation,

In order to the Electing and summoning the sixteen Peers of Scotland.

George *P. R.*

Whereas we have, acting in the name and on the behalf of his majesty, and by and with the advice of his majesty's privy council, thought fit to declare our pleasure for summoning and holding a parliament of the United Kingdom of Great Britain and Ireland, on Tuesday, the fourth day of August next ensuing the date hereof: in order therefore to the electing and summoning the sixteen peers of Scotland, who are to sit in the House of Peers in the said parliament, we do, acting as aforesaid, by the advice of his majesty's privy council, issue forth this Proclamation, strictly charging and commanding all the peers of Scotland to assemble and meet at Holy Rood house, in Edinburgh, on Friday, the twenty-fourth day of July next ensuing, between the hours of twelve and two in the afternoon, to nominate and choose the sixteen peers to sit and vote in the House of Peers in the said ensuing parliament, by open election and plurality of voices of the peers that shall be then present, and of the proxies of such as shall be absent (such proxies being peers, and producing a mandate in writing duly signed before witnesses, and both the constituent and proxy being qualified according to law): and the lord clerk register, or such two of the principal clerks of the session as shall be appointed by him to officiate in his name, are hereby respectively required to to attend such meeting, and to administer the oaths required by law to be taken there by the said peers, and to take their votes; and immediately after such election made and duly examined, to certify the names of the sixteen peers so elected, and sign and attest the same in the presence of the said peers the electors, and return such certificate into the high Court of Chancery of Great Britain: and we do, by this Proclamation, strictly command and require the provost of Edinburgh, and all other the magistrates of the said city, to take especial care to preserve the peace thereof, during the time of the said election, and to prevent all manner of riots, tumults, disorders, and violence whatsoever. And we strictly charge and command that this Proclamation be duly published at the Market Cross at Edinburgh, and in all the county towns of Scotland, twenty-five days at least before the time hereby appointed for the meeting of the said peers to proceed to such election.

Witness George Prince of Wales, Regent of the United Kingdom of Great Britain and Ireland, at Westminster, the tenth day of June, one thousand eight hundred and eighteen, in the fifty-eighth year of his Majesty reign.

God save the King.

LIST OF PUBLIC ACTS,

Passed in the Sixth Session of the Fifth Parliament of the United Kingdom of Great Britain and Ireland.—58 GEO. III. A. D. 1818.

1. An Act to repeal an act made in the last session of parliament, intituled 'An act 'to continue an act to empower his majesty 'to secure and detain such persons as his 'majesty shall suspect are conspiring against 'his person and government.'
2. To suspend, until the end of the present session of parliament, the operation of an act made in the last session of parliament, to provide for the more deliberate investigation of presentments to be made by grand juries for roads and public works in Ireland, and for accounting for money raised by such presentments.
3. For continuing to his majesty certain duties on malt, sugar, tobacco, and snuff, in Great Britain; and on pensions, offices, and personal estates, in England; for the service of the year 1818.
4. For raising the sum of thirty millions, by exchequer bills, for the service of the year 1818.
5. To indemnify such persons in the united kingdom as have omitted to qualify themselves for offices and employments, and for extending the time limited for those purposes respectively, until the 25th day of March 1819; and to permit such persons in Great Britain as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and solicitors, to make and file the same on or before the first day of Hilary term, 1819; and to allow persons to make and file such affidavits, although the persons whom they served shall have neglected to take out their annual certificates.
6. For indemnifying persons who, since the 26th day of January, 1817, have acted in apprehending, imprisoning, or detaining in custody persons suspected of high treason or treasonable practices, and in the suppression of tumultuous and unlawful assemblies.
7. To indemnify all persons who have been concerned in advising, issuing, or carrying into execution any order or orders for permitting the importation and exportation of certain goods and commodities in foreign bottoms into and out of certain of his majesty's West-India islands.
8. To authorize the governors of the hospital of king Charles the 2nd for ancient and maimed officers and soldiers of the army of Ireland (usually called the royal hospital at Kilmainham), to suspend or take away the pensions of such pensioners of the said hospital as shall be guilty of any fraud in respect of prize-money or pensions, or of any other gross misconduct.
9. To further continue, until the 5th day of July, 1818, two acts of the 54th year of his present majesty, for repealing the duties of customs on madder imported into Great Britain, and for granting other duties in lieu thereof.
10. To rectify a mistake in an act, passed in the 55th year of the reign of his present majesty, for punishing mutiny and desertion, and to indemnify certain persons in relation thereto.
11. For punishing mutiny and desertion; and for the better payment of the army and their quarters.
12. For the regulating of his majesty's royal marine forces while on shore.
13. For charging duties on licences for retailing aqua vitæ in Scotland.
14. To amend an act of the last session of parliament, for preventing the further circulation of dollars and tokens issued by the governor and company of the bank of England.
15. To amend an act made in the 26th year of his present majesty, for the encouragement of the fisheries carried on in the Greenland Seas and Davis's Streights, so far as relates to the oaths thereby required to be taken.
16. To continue until the 5th day of April, 1819, and amend an act of the 56th year of his present majesty, for reducing the duties payable on horses used for the purposes therein mentioned.
17. For charging certain duties on four-wheeled carriages constructed and drawn in the manner therein described.
18. To charge an additional duty on corks ready-made, imported into Ireland.
19. To allow for three years, and until six weeks after the commencement of the then next session of parliament, the importation into ports specially appointed by his majesty, within the provinces of Nova Scotia and New Brunswick, of the articles therein enumerated, and the re-exportation thereof from such ports.
20. For more effectually discovering the longitude at sea, and encouraging attempts to find a Northern passage between the Atlantic and Pacific oceans, and to approach the Northern pole.
21. To revive and continue, until the 5th day of July, 1819, several laws relating to the duties on glass made in Great Britain; and to prohibit the making of smalts within a

certain distance of any other glass-house, or by the maker of any other kind of glass.

22. For fixing the rates of subsistence to be paid to innkeepers and others on quartering soldiers.

23. For raising the sum of three millions, by the transfer of certain 3*l.* per centum annuities into other annuities, at the rate of 3*l.* 10*s.* per centum; and for granting annuities to discharge certain exchequer bills.

24. For enabling his majesty to make further provision for his royal highness the duke of Cambridge, and to settle an annuity on the princess of Hesse, in case she shall survive his said royal highness.

25. For enabling his majesty to settle an annuity on her royal highness the duchess of Cumberland, in case of her surviving his royal highness the duke of Cumberland.

26. To continue, until the 5th day of July, 1819, two acts made in the 54th and 56th years of his present majesty's reign, for regulating the trade in spirits between Great Britain and Ireland reciprocally, and to amend the same.

27. To permit the importation of certain articles into his majesty's colonies or plantations in the West-Indies, or on the continent of South America; and also certain articles into certain ports in the West-Indies

28. To repeal an act made in the 56th year of his present majesty's reign, for establishing the use of an hydrometer called Sikes's hydrometer, in ascertaining the strength of spirits, instead of Clarke's hydrometer; and for making other provisions in lieu thereof.

29. For regulating the payment of fees for pardons under the great seal.

30. For preventing frivolous and vexatious actions of assault and battery, and for slanderous words, in courts.

31. To amend an act passed in the 53rd year of his majesty's reign, to make further regulations for the building and repairing of court houses and sessions houses in Ireland.

32. To amend so much of an act of the 55th year of his present majesty, as relates to the salaries of clergymen officiating as chaplains in houses of correction.

33. To alter the allowance for broken plate glass, and to exempt manufacturers of certain glass wares from penalties for not being licensed.

34. To repeal the several bounties on the exportation of refined sugar from any part of the united kingdom, and to allow other bounties in lieu thereof, until the 5th day of July, 1820, and for reducing the size of the packages in which refined sugar may be exported.

35. To provide for the maintaining of the royal canal from the river Liffey to the river Shannon in Ireland.

36. To carry into execution a treaty made between his majesty and the king of Spain, for the preventing traffic in slaves.

37. For further continuing, until the 5th day of July, 1819, an act of the 54th year of his present majesty, to continue the restrictions, contained in several acts of his present majesty, on payments of cash by the Bank of England.

38. To extend and render more effectual the present regulations for the relief of seafaring men and boys, subjects of the united kingdom of Great Britain and Ireland, in foreign parts.

39. To explain and amend an act passed in the 56th year of the reign of his present majesty, for amending the law of Ireland respecting the recovery of tenements from absconding, overholding, and defaulting tenants, and for the protection of the tenant from undue distress.

40. To continue the laws now in force relating to yeomanry corps in Ireland.

41. To amend an act made in the 56th year of his present majesty, for regulating and securing the collection of the duties on paper in Ireland, and to allow a drawback of the duty on paper used in printing certain books at the press of Trinity College, Dublin.

42. For enabling the trustee of certain premises at Great Yarmouth, in the county of Norfolk, held in trust for his majesty, to execute a conveyance of the same to a purchaser thereof.

43. For preventing the destruction of the breed of salmon, and fish of salmon kind, in the rivers of England.

44. To alter the application of part of the sum of 50,000*l.* granted by an act passed in the 56th year of the reign of his present majesty, intituled 'An act for improving the 'road from the city of Glasgow to the city 'of Carlisle.'

45. For building and promoting the building of additional churches in populous parishes.

46. For relief of persons entitled to entailed estates, to be purchased with trust monies, in that part of the united kingdom called Ireland.

47. To establish fever hospitals, and to make other regulations for the relief of the suffering poor, and for preventing the increase of infectious fevers in Ireland.

48. To amend an act, passed in the last session of parliament, to encourage the establishment of banks for savings, in England.

49. To explain three acts, passed in the 46th, 47th, and 51st years of his majesty's reign, respectively, for the abolition of the slave trade.

50. To amend and continue, until the 10th day of November, 1820, an act passed in the 56th year of his present majesty, to repeal the duties payable in Scotland upon wash and spirits, and distillers licences; to grant other duties in lieu thereof; and to establish further regulations for the distillation of spirits from corn, for home consumption, in Scotland.

51. To amend certain acts passed in the 4th year of king Edward the 4th; 1st and 10th years of queen Anne; 1st, 12th, and 13th years of king George the 1st; 13th, 22nd, and 29th years of king George the 2nd; and 13th and 57th years of king George the 3rd; prohibiting the payment of the wages of workmen in certain trades otherwise than in the lawful coin or money of this realm.
52. To continue, until the 20th day of June, 1820, an act of the 52nd year of his present majesty, for the more effectual preservation of the peace, by enforcing the duties of watching and warding.
53. For enabling his majesty to make further provision for his royal highness the duke of Kent, and to settle an annuity on the princess of Leiningen, in case she shall survive his said royal highness.
54. To grant certain rates, duties, and taxes in Ireland, in respect of fire hearths, windows, male servants, horses, carriages, and dogs, in lieu of former rates, duties, and taxes thereon; and to provide for the payment thereof to the collectors of excise, and for the more effectual accounting for the same.
55. To continue until the 5th day of July, 1819, two acts of the 54th year of his present majesty, for repealing the duties of customs on madder imported into Great Britain, and for granting other duties in lieu thereof.
56. To make perpetual an act of the 46th year of his present majesty, for granting an additional bounty on the exportation of the silk manufactures of Great Britain.
57. To amend an act of the 55th year of his present majesty, for granting duties of excise in Ireland upon certain licences, and for securing the payment of such duties, and the regulating of the issuing of such licences.
58. To defray the charge of the pay, clothing, and contingent expenses of the disembodied militia in Great Britain; and for granting allowances in certain cases to subaltern officers, adjutants, quartermasters, surgeons, surgeons mates, and serjeant majors of militia, until the 25th day of March, 1819.
59. For defraying, until the 25th day of June, 1819, the charge of the pay and clothing of the militia of Ireland; and for making allowances in certain cases to subaltern officers of the said militia during peace.
60. To continue, until three months after the ceasing of any restriction imposed on the Bank of England from issuing cash in payment, the several acts for confirming and continuing the restrictions on payments in cash by the bank of Ireland.
61. For the better accommodation of his majesty's packets within the harbour on the north side of the hill of Howth, and for the better regulation of the shipping therein.
62. To continue, until the 1st day of August, 1819, two acts of his present majesty, allowing the bringing of coals, culm, and cinders to London and Westminster.
63. To revive and continue, until the 25th day of March, 1819, an act made in the 49th year of his present majesty, to permit the importation of tobacco from any place whatever.
64. To make further regulations respecting the payment of navy prize-money, and to authorize the governors of Greenwich hospital to pay over certain shares of prize-money due to Russian seamen to his excellency the Russian ambassador.
65. For repealing the duties of excise on verjuice and vinegar, and granting other duties in lieu thereof; and for more effectually securing the duties of excise on vinegar or acetous acid.
66. To empower any three or more of the commissioners for the reduction of the national debt to exercise all the powers and authorities given to the said commissioners by any act or acts of parliament.
67. To provide for the more deliberate investigation of presentments to be made by grand juries for roads and public works in Ireland, and for accounting for money raised by such presentments.
68. To repeal so much of an act passed in Ireland in the 9th year of the reign of queen Anne, intituled 'An act for taking 'away the benefit of clergy in certain 'cases; and for taking away the book in 'all cases; and for repealing part of the 'statute for transporting felons;' as takes away the benefit of clergy from persons stealing privily from the person of another; and more effectually to prevent the crime of larceny from the person.
69. For the regulation of parish vestries.
70. For repealing such parts of several acts as allow pecuniary and other rewards on the conviction of persons for highway robbery, and other crimes and offences; and for facilitating the means of prosecuting persons accused of felony and other offences.
71. For granting to his majesty a sum of money to be raised by lotteries.
72. For improving and completing the harbour of Dunmore, in the county of Waterford, and rendering it a fit situation for his majesty's packets.
73. For regulating the payment of regimental debts, and the distribution of the effects of officers and soldiers dying in service, and the receipt of sums due to soldiers.
74. For the further regulation of payments of pensions to soldiers upon the establishments of Chelsea and Kilmainham.
75. For the more effectual prevention of offences connected with the unlawful destruction and sale of game.
76. To subject foreigners to arrest and detention for smuggling within certain distances of any of the dominions of his majesty; for

regulating rewards to the seizing officers, according to the tonnage of vessels or boats seized and condemned; and for the further prevention of the importation of tea without making due entry thereof with the officers of customs and excise.

77. To repeal the duty upon rock salt delivered for feeding or mixing with the food of cattle, and imposing another duty, and making other provisions in lieu thereof.

78. To make further provision for the better securing the collection of the duties on malt, and to amend the laws relating to brewers in Ireland.

79. To amend an act of the 54th year of his present majesty's reign, for granting duties on auctions in Ireland.

80. To amend an act passed in the 57th year of his present majesty, for permitting the transfer of capital from certain public stocks or funds in Great Britain to certain public stocks or funds in Ireland.

81. For extending to that part of the united kingdom called Ireland certain provisions of the parliament of Great Britain in relation to executors under the age of 21 years, and to matrimonial contracts.

82. To prevent frauds in the sale of grain in Ireland.

83. To amend and reduce into one act the several laws relating to the manner in which the East-India company are required to hire ships.

84. To remove doubts as to the validity of certain marriages had and solemnized within the British territories in India.

85. To carry into execution a convention made between his majesty and the king of Portugal, for the preventing traffic in slaves.

86. For raising the sum of eleven millions six hundred thousand pounds by exchequer bills, for the service of the year 1818.

87. For raising the sum of eight hundred thousand pounds British currency, by treasury bills, in Ireland, for the service of the year 1818.

88. To amend two acts, made in the last session of parliament, for authorizing the issue of exchequer bills, and the advance of money for carrying on public works and fisheries, and employment of the poor; and to extend the powers of the commissioners appointed for carrying the said acts into execution in Ireland.

89. To repeal so much of an act passed in the 43rd year of his present majesty, as requires the attendance of magistrates on board vessels carrying passengers from the united kingdom to his majesty's plantations, or to foreign parts.

90. To alter and amend certain of the provisions of an act passed in the 51st year of his majesty's reign, intituled 'An act to provide for the administration of the royal authority, and for the care of his majesty's royal person, during the continuance of his majesty's illness; and for the resumption of the exercise of the royal authority by his majesty.'

91. For appointing commissioners to inquire concerning charities in England for the education of the poor.

92. To consolidate and amend the provisions of several acts, passed in the 51st and 52nd years respectively of the reign of his present majesty, for enabling wives and families of soldiers to return to their homes.

93. To afford relief to the *bona fide* holders of negotiable securities, without notice that they were given for a usurious consideration.

94. To continue, until the 29th day of September, 1819, and to amend an act passed in Ireland, in the 36th year of his present majesty, for the improvement and extension of the fisheries on the coasts of Ireland.

95. To regulate the election of coroners for counties.

96. To continue, for the term of two years, and until the end of the session of parliament in which that term shall expire, if parliament shall be then sitting, an act of the 56th year of his present majesty, for establishing regulations respecting aliens arriving in or resident in this kingdom, in certain cases.

97. To prevent aliens, until the 25th day of March, 1819, from becoming naturalized, or being made or becoming denizens, except in certain cases.

98. To explain and amend an act passed in the 51st year of his majesty's reign, for rendering more effectual an act made in the 47th year of his majesty's reign, for the abolition of the slave trade.

99. For altering and amending an act made in the 55th year of his present majesty, to amend an act made in the 48th year of his present majesty, to improve the land revenue of the crown, so far as relates to the great forest of Brecknock in the county of Brecknock; and for vesting in his majesty certain parts of the said forest, and for inclosing the said forest.

100. For vesting in his majesty certain parts of the hayes of Birkland and Bilbagh, and of certain commonable lands and open uninclosed grounds in the township of Edwinstowe, within the forest of Sherwood, in the county of Nottingham.

101. For applying certain monies therein mentioned for the service of the year 1819.

APPENDIX

TO

VOLUME XXXVIII.

ELEVENTH REPORT

FROM THE

SELECT COMMITTEE ON FINANCE.

(1818.)

INCOME AND EXPENDITURE.

Ordered, by the House of Commons, to be printed, 25th May 1818.

The SELECT COMMITTEE appointed to inquire into and state the Income and Expenditure of the United Kingdom, for the year ended the 5th of January 1818; and also to consider and state the probable Income and Expenditure (so far as the same can now be estimated), for the years ending the 5th of January 1819 and the 5th of January 1820 respectively, and to report the same, together with their observations thereupon, from time to time, to the House; and also to consider what farther measures may be adopted for the relief of the country from any part of the said Expenditure, without detriment to the public interest:—

HAVING laid before the House in their Fourth Report,* presented in the last session, a view of the public Income and Expenditure for the year ended the 5th January 1817, distinguished under the principal heads; and likewise, an Estimate of the probable Income and Expenditure for the years 1817 and 1818; and having since had under their consideration the accounts presented in the present session, relating to the actual Receipt and Expenditure of the year 1817; proceed to lay before the House the result of these documents with reference to their Estimate of last year, in order that the House may thereby be enabled to perceive how far the opinions of the Committee upon this very important subject have been justified hitherto by the event, and to judge in what degree the expectations which they expressed in their Report above referred to, may, at the present period, appear likely to be ultimately realised.

In proceeding to this examination and comparison, your Committee wish to call to the recollection of the House the difficulties which they experienced, as they stated in that Report, in forming the Estimate required upon the actual state of the Revenue

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* For a copy of the Fourth Report, *see* Vol. 36, *Appendix*, p. lxxxi.

as exhibited in the accounts of the latest year then before them, owing to the very peculiar circumstances by which the produce of that year (1816) had been impaired; several of which, even at the time when your Committee were considering the subject, were still in operation. It was for this purpose deemed expedient to have recourse to the accounts of the three latest antecedent years not affected by these circumstances; viz. 1812, 1813, and 1814; the average of which three years, when divested of all augmentations and diminutions occasioned by alterations in the rate of duties, was found to correspond very nearly with the average of the two years 1815 and 1816, taken upon the same principle; the year 1815 having yielded a very large, and the year 1816, a proportionably reduced, produce:—And your Committee farther remind the House, that after having assumed those averages as a fair basis for their Estimate, and having thereby arrived at the result which they presented to the House, they expressed distinctly their "wish to be clearly understood as not stating a confident "opinion, that the Estimate thus framed would be realised within the (then) present "year. For though they saw, on the one hand, reason to expect that the receipts "of the Exchequer might (when the change which they anticipated took place) be "swelled, in the first instance, somewhat beyond the actual increase of consumption, "by the replenishment, in the hands of the dealers, of the average stocks of their "respective trades (which stocks, they had reason to believe, had been greatly "reduced); yet, considering how much of the year must have elapsed before the "relief to be expected from the ensuing harvest could be felt, together with other "circumstances which might operate to delay the expected improvement, they "deemed it safer to present a less sanguine view, and to assume, that even with the "aid of the arrears of the property tax to the amount of £.2,800,000, the average "receipts of the (then) present and next ensuing years might not exceed the limits "of their Estimate."

Your Committee having thus referred to the opinions which they entertained last year, and to the principal considerations whereby the views which they then took of the subject were influenced, are now enabled to state, that the progress of the revenue up to the present time, has justified those views, and affords ample reason for anticipating, within the current year, the fulfilment of their expectations.

It will be apparent, indeed, from the following comparative statements, that the Committee were fully warranted, as well in the doubts which they entertained with respect to an immediate improvement of the revenue, as in the confident hope which they expressed of its accelerated return to that state (at least) of productiveness from which it had suddenly declined, whenever the peculiar causes which had occasioned the decline should have ceased to operate.

Your Committee now proceed to show:—

1st. The actual produce of the revenue in the year ended the 5th January 1818, as compared with the Estimate contained in their Fourth Report.

2nd. The actual produce of the same in the year ended the 5th April 1818, compared in the same manner.

3rd. A comparative view of the revenue in the quarters ended the 5th April 1817, and 5th April 1818, respectively.

In these statements, which are prepared in conformity with accounts in the Appendix to this Report, the revenues collected in Great Britain and Ireland respectively, are kept distinct; the latter, except for the quarters ended 5th April 1817, and 5th April 1818, respectively, being stated in Irish currency, with respect to each branch of the revenue, and the totals only converted into British sterling, for the purpose of comparison with the Estimate in the Fourth Report of the Committee, which was stated in that manner.

I.

An Account of the NETT PRODUCE of the PUBLIC REVENUE in Great Britain and Ireland, in the year ended 5th January 1818, compared with the Estimate presented in the Fourth Report of the Committee of Finance.

	Estimate of the Committee.	Actual Produce.	Permanent Duties. More than the Estimate.	Permanent Duties. Less than the Estimate.
GREAT BRITAIN.—(Appendix A. 1.)	£.	£.	£.	£.
Customs	9,340,657	9,761,480	420,823	—
Excise	22,591,364	19,726,297	- - -	2,865,067
Assessed and Land Taxes	7,136,864	7,290,849	153,985	—
Stamps	6,132,080	6,337,421	205,341	—
Post Office	1,485,500	1,338,000	- - -	147,500
Miscellaneous	245,000	492,872	47,872	—
	£. 46,931,465	£. 44,946,919	£. 1,028,021	3,012,567
			Deduct Increase	1,028,021
Unappropriated War Duties	68,580			
Arrears of Property Tax	2,261,951		Permanent Duties less than Estimate	£. 1,984,546
		2,330,531		
		47,277,450		
	Estimate	46,931,465		
IRELAND.—(Appendix, A. 2.)	Receipt more than Estimate	£. 345,985		
Customs	£. 1,725,939	1,607,455 11 7¼	- - -	£. 118,484
Excise and Assessed Taxes	2,864,898	2,308,203 11 3¾	- - -	556,695
Stamps	518,803	563,621 11 3¾	44,818	—
Post Office	78,750	62,000 0 0	- - -	16,750
Miscellaneous	200,000	212,396 14 2¾	12,396	—
Irish	£. 5,388,390	4,753,677 8 5¾	57,214	£. 691,929
			Deduct Increase	57,214
British	4,973,899	4,388,010 0 0		
England	46,931,465	47,277,450 0 0	Irish	£. 634,715
	£. 51,905,364	51,665,460 0 0	British	585,889
Total Receipt	51,665,460		England	1,984,546
Less than Estimate	£. 239,904		Total Permanent Duties less than Estimate	£. 2,570,435

II.

An Account of the NETT PRODUCE of the PUBLIC REVENUE in Great Britain and Ireland, in the year ended 5th April 1818, compared with the Estimate presented in the Fourth Report of the Committee of Finance.

	Estimate of the Committee.	Actual Produce.	Permanent Duties. More than the Estimate.	Permanent Duties. Less than the Estimate.
GREAT BRITAIN.—(Appendix, B. 1.)	£.	£.	£.	£.
Customs	9,340,657	9,852,848	512,191	—
Excise	22,591,364	20,236,047	- - -	2,355,317
Assessed and Land Taxes	7,136,864	7,363,904	227,040	—
Stamps	6,132,080	6,433,569	301,489	—
Post Office	1,485,500	1,332,000	- - -	153,500
Miscellaneous	245,000	467,547	222,547	—
	£. 46,931,465	45,685,915	1,263,267	2,508,817
			Deduct Increase	1,263,267
Unappropriated War Duties	39,068			
Arrears of Property Tax	1,522,648		Permanent Duties less than Estimate	£. 1,245,550
		1,561,716		
		£. 47,247,631		
	Estimate	46,931,465		
IRELAND.—(Appendix, B. 2.)	Receipt more than Estimate	£. 316,166		
Customs	1,725,939	1,582,406	- - -	143,533
Excise and Assessed Taxes	2,864,898	2,398,239	- - -	466,659
Stamps	518,803	553,792	34,989	—
Post Office	78,750	52,000	- - -	26,750
Miscellaneous	200,000	228,728	28,728	—
Irish	5,388,390	4,815,165	63,717	636,942
			Deduct Increase	63,717
British	4,973,899	4,444,768		
England	46,931,465	47,247,631	Irish	573,225
	£. 51,905,364	51,692,399	British	529,131
Total Receipt	51,692,399		England	1,245,550
Less than Estimate	£. 212,965	Total Permanent Duties less than Estimate		£. 1,774,681

III.

An Account of the NETT PRODUCE of the PUBLIC REVENUE of Great Britain and Ireland, in the quarters ended the 5th April 1817, and 5th April 1818, respectively; exclusive of the War Malt Duty and Property Tax.

GREAT BRITAIN.—(Appendix, C. 1.)	5th April 1817.	5th April 1818.
Customs	£. 1,912,296	£. 2,003,664
Excise	4,642,055	5,151,805
Assessed and Land Taxes	1,022,654	1,095,709
Stamps	1,492,611	1,588,759
Post Office	342,000	336,000
Miscellaneous	98,595	73,283
	£. 9,510,211	£. 10,249,220

IRELAND.—(Appendix, C. 2.)

Customs	£. 324,635	£. 301,514
Excise and Assessed Taxes	493,308	576,418
Stamps	151,504	142,431
Post Office	12,000	2,770
Miscellaneous	21,846	36,920
	£. 1,003,293	£. 1,060,053
England	9,510,211	10,249,220
	£. 10,513,504	£. 11,309,273

From the foregoing Accounts it appears, that in Great Britain the total permanent revenue for the year 1817, fell short of the estimate by 1,984,546*l.*, which being more than compensated by a receipt of 2,261,951*l.* of arrears of Property Tax, and of 68,580*l.* of other unappropriated War Duties, making together 2,330,531*l.*; there was upon the whole, an excess beyond the estimate of 345,985*l.*; while in Ireland there was a deficit of 585,889*l.*, from which the above excess being deducted, the difference between the estimate of the Committee and the actual produce of the revenue in the United Kingdom, is exhibited by the remainder; being only 239,904, upon a sum of 51,905,000*l.*

£. 2,261,951
68,580
£. 2,330,531

£. 585,889 Receipt in Ireland, less than Estimate.
345,985 Do. in England, more than Estimate.
£. 239,904 Total less than Estimate.

It also appears, that in the year ended the 5th April 1818, a considerable improvement had already taken place in the revenue, inasmuch as the difference between the receipt and the estimate in Great Britain is, in that period, reduced to 1,245,550*l.*; and although the sum yielded by the arrears of the Property Tax was, in that year, only 1,522,648*l.*, and by the other unappropriated War Duties 39,068*l.*, making together 1,561,716*l.*, there was still an excess of produce, upon the whole, beyond the estimate, of 316,166*l.*

£. 1,522,648
39,068
£. 1,561,716

In Ireland the revenue has likewise experienced some improvement in this period, although not in the same proportion as it has improved in Great Britain. The amount appears to have been 529,131*l.* below the estimate, which being set against the total excess in Great Britain as above stated, (of 316,166*l.*) leaves only 212,965*l.* as the whole difference between the actual receipts of the year ended the 5th of April 1818, and the estimate of the Committee for the United Kingdom.

Receipt in Ireland less than Estimate ..... £. 529,131
Do. in England more than Estimate 316,166
Total less than Estimate ..... £. 212,965

The rapid amendment of the revenue, which these accounts exhibit in the latter part of the period which they embrace, is more particularly and satisfactorily shown by the third statement, in which the income in the quarter which closed on the 5th April, 1818, is compared with that which was yielded in the corresponding quarter of the year 1817. From this account, the arrears of the Property Tax and the other war duties are excluded, in order to show the real improvement of those duties only which now constitute the permanent revenue. The result of this comparison is a balance in favour of the quarter ended the 5th April, 1818, for Great Britain, of 739,009*l.*, and for Ireland, of 56,760*l.*; making, upon the whole, an excess of 795,769*l.* An excess of actual receipt which would have been considerably greater if the produce of the sugar duties had been divided in the same proportion in the present as in the last year, between the two quarters ended the 5th January and the 5th April. But in consequence of the expected rise in the average price of sugar to that point at which it becomes chargeable with an additional duty of 3*s.* per cwt. a great quantity then in bond was taken out for home consumption, immediately before the close of the quarter ended the 5th January last; from which period the additional duty, as had been foreseen by the merchants, became payable. By this anticipated payment of the duties, the produce of that quarter was greatly swelled, and a corresponding deficit occasioned in the produce of the succeeding quarter. With a view to satisfy themselves upon this point, your Committee called for an account of the nett payments into the Exchequer, under the head of Sugar Duties, in the two quarters ended the 5th January and the 5th April 1817, and 1818 respectively; from which it appears that the total amount of the duty, in the half-year ended the 5th April

1817, was 1,681,768*l.*, of which 810,941*l.* was received in the April quarter; while of the total amount of the duty in the half-year ended the 5th April 1818, viz. 1,837,479*l.*, the receipt in the last quarter amounted only to 308,180*l.* Had the same proportion prevailed in both cases, the amount would have been, in the latter, 886,012*l.*, exceeding the actual payment on account of this duty by 577,832*l.*, and consequently augmenting in the same degree, the excess as above stated of 795,769*l.* of the total receipts of the quarter ended the 5th April 1818, beyond those of the 5th April 1817.

Your Committee would not, indeed, be disposed to lay much stress upon the melioration of the revenue in a single quarter, or to build, upon that circumstance alone, a very sanguine hope of permanent amendment, sufficient to carry the public income to the full extent of their estimate, if it were not manifestly the consequence of an extensive and important change in the general condition of the country, such as your Committee anticipated, when they presented their fourth Report to the House. The nature of this change in the internal state of the kingdom, or rather of this return from a sudden and violent change in a contrary direction, is too well known and felt by the House and the country, to render it necessary to dwell upon it; they therefore confine themselves to some observations arising out of the accounts before them, which, when examined in their component parts, afford more satisfactory evidence of improvement than even in their total amounts.

In the first place, it is deserving of remark, that of the several branches of the public income, which are distinguished in the foregoing comparative statements, there are only two, either in the year ended the 5th January, or in that which terminated on the 5th April, that have proved deficient below the average upon which the estimate of the Committee was founded. These are, the Excise, and the Post Office; while, on the other hand, the Customs, the Assessed Taxes, the Stamps, and the Miscellaneous Receipts, have all exceeded the average in both periods; for, although it appears that the Customs in Ireland did not, in either case, quite reach the estimate for that country, yet, when added to the produce of the same revenue in Great Britain, the whole will be seen to have exceeded the amount of the estimate of the customs for Great Britain and Ireland taken together. It may further be observed, that if the excise be excluded from these comparative accounts, the remaining branches of the revenue, collectively, will be found, notwithstanding the defalcation of the Post Office, to have exceeded the Estimate, in the year ended the 5th January 1818, by 808,504*l.*, and in the year ended the 5th April 1818, by 1,011,398*l.* If, therefore, there is a reasonable ground for presuming that the excise will be again as productive as it has been on the average of former years as stated by your Committee in their fourth Report, it may fairly be expected that the whole revenue will not only attain, but considerably exceed, the amount at which it has been taken by your Committee.

Great Britain and Ireland.	Years Ended, 5 Jan. 1818.	5 Apr. 1818.
	£.	£.
Total Revenue, excluding Excise	27,477,983	27,680,877
Estimate of the Committee, excluding Excise..	26,669,479	26,669,479
	£. 808,504	1,011,398

With a view to ascertain the probability of this point, your Committee have had under their consideration the accounts of the nett produce of the Excise, exclusive of the war duty on malt, in Great Britain, in the years and quarters ended the 5th January and 5th April 1818, as compared with the same in the years and quarters ended the 5th January and 5th April 1817; and having perceived that, in these accounts, the articles most prominently deficient were those of malt and beer, they called for an account of the malt duties received in the years 1812, 1813, 1814, 1815, 1816, and 1817, exclusive of the war duty upon malt, which has since expired; and they likewise called for an account of the nett produce of the duties on beer in the same periods.

Duty on Malt.	
Years 1813	2,482,086
1814	2,953,585
1815	3,106,427
£.	8,542,098
Average	2,847,366
	1,954,090
Difference .. £.	893,276

From these documents it appears, that the produce of the Malt Tax, according to the average of the three years which preceded the very unfavourable harvest of 1816, amounted to 2,847,366*l.*, whereas the actual receipt, in the year ended the 5th April 1818, was only 1,954,090*l.* This leaves a difference of 893,276*l.* upon this head alone; a difference which, when it is considered, in conjunction with the defalcation of the beer duty, measured by the same average, and amounting to

451,949*l.* (a considerable proportion of which must be ascribed to the same cause), will account for a deficiency more than equal to that of the whole nett revenue of Great Britain, in the last year, under consideration, below the estimate of the Committee, viz. 1,245,000*l.*

Beer Duties.

Average of 3 Years, 1813, 1814, & 1815,	2,785,361
Produce of the Year, ended 5 April 1816,	2,333,412
£.	451,949
Deficiency Malt Duty..	893,276
Do. Beer Duty..	451,949
£.	1,345,225

It is scarcely necessary for your Committee to remark, that the depression which has continued to affect these particular duties, after other parts of the revenue, arising from consumption, have been rapidly returning to their average productiveness, is one which the course of the seasons sufficiently explains, and may be expected to repair; so that, if there is no reason to apprehend a falling off in the other articles subject to excise duties, below even their present amount, it may fairly be presumed, that the public income will maintain itself to the extent of the estimate of the Committee; while, on the other hand, every improvement of the remainder of the excise duties, will have the effect of carrying it beyond that estimate, in whatever degree such improvement may take place.

In this view, the several accounts of the excise revenue, now before the Committee, are very satisfactory, inasmuch as they not only afford no indication of any general decline in that branch of the public income, but on the contrary, exhibit, in the latest period, an appearance of improvement upon nearly all the articles composing it, which forms a remarkable contrast to the result of the accounts of this branch (and that of the customs) when your Committee were last engaged in the investigation of this subject; upon which they had to observe, that the deficiency in the year 1816, below former years, "did not appear to have arisen upon a few only "of the articles subject to duty (which might have been influenced by particular "causes) but in a greater or less degree upon almost the whole of those which con- "stituted the excise revenue." At the present time, on the contrary, the increase is as general as the defalcation was at that period; and as the only material articles now remaining deficient are depressed, as above adverted to, by a particular and merely temporary cause, your Committee trust they will not be thought too sanguine when they anticipate the speedy return of this branch of the public income to its usual rate of productiveness.

In the examination of these accounts, your Committee have seen with satisfaction, that the duties upon some articles (particularly tea, tobacco, and spirits) which from their nature, and the very high amount of those duties, your Committee conceived to be peculiarly exposed to the practices of the fraudulent trader, have, nevertheless, been productive in the same proportion as the revenue in general, and appear to be improving in common with the duties derived from other objects of consumption. Your Committee are not prepared by any farther information than they possessed last year (beyond the inference to be drawn from the facts above-mentioned) to state an opinion as to the ultimate practicability of maintaining those duties at their present high rates; and they have thought it the less necessary to pursue their inquiries into this question, because they understand, that the general system and management of the revenue of customs, and of the import branch of the excise, to which it principally belongs, is now undergoing a special investigation by a commission appointed by the lords of the Treasury for the purpose.

Having thus stated to the House how far the public accounts up to the latest periods, have tended to verify the estimate of public income framed last year by your Committee, and having explained the grounds upon which their opinion of the general accuracy of that estimate, and the probability of its being fully realized, is strengthened and confirmed; they now propose to compare the actual expenditure of the year 1817, and the probable expenditure of the year 1818, with the expenditure assumed for those two years in their fourth Report, and the actual and estimated income of each of them respectively.

	1817.				1818.	
	Estimate in the Fourth Report of the Committee.	Actual Expenditure.			Estimate in the Fourth Report of the Committee.	Probable Expenditure, as at present ascertained.
	£.	£.	s.	d.	£.	£.
Interest of Public Debt Unredeemed	29,403,464	29,450,674	4	7¾	28,751,093	*29,604,728
Sinking Fund of Funded Debt, and Interest of Debt Redeemed	14,134,443	14,159,763	15	9¾	14,724,614	*14,832,467
Expenditure for Funded Debt	43,537,907	43,610,438	0	5½	43,475,707	44,437,195
Civil List	1,235,692	1,191,168	11	4	1,235,692	1,235,692
Other Charges on the Consolidated Fund	1,166,853	1,112,493	11	5½	925,276	925,276
Total Consolidated Fund	45,940,452	45,914,100	3	3	45,636,675	46,598,163
Interest and Sinking Fund of Unfunded Debt	2,230,000	2,174,453	16	2¼	2,230,000	2,300,000
ANNUAL SUPPLIES.						
Army	9,080,000	9,311,873	8	2¼	8,500,000	8,967,974
Navy	7,646,000	6,873,062	13	8¾	6,000,000	6,456,800
Ordnance	1,221,300	1,313,686	15	3	1,150,000	1,245,600
Miscellaneous	1,700,000	1,813,220	8	1½	1,700,000	1,783,200
Do. Extraordinary	- - -	*695,848	0	10¼	- - -	†737,744
	67,817,752	68,096,245	5	7	65,216,675	68,089,481

* Interest, &c, of Unredeemed Debt .. 28,751,093 / 853,635 / 29,604,728
Sinking Fund..... 14,724,614 / 107,853 / 14,832,367

	Exchequer Estimate, Fourth Report.	New Charge, Appendix, N.	Total.
	£.	£.	£.
	43,475,707	961,488	44,437,195

† Arrear due since 1812, for the building of the Military College at Sandhurst ..... £. 78,058
Under the Spanish Treaty 400,000
Deficiency of Ways and Means, 1818 259,686
£. 737,744

* Coinage ..... £. 460,000 0 0
Deficiency of Consolidated Fund in Ireland at 5 January 1817 ..... 235,848 0 10¼
£. 695,848 0 10¼

The House will observe, that in stating the probable expenditure of the current year, at 68,089,481*l.*, your Committee have not adverted to the sum of 1,100,000*l.* appropriated in this session towards the building of new churches. Although this sum, from its having been granted as a credit to the commissioners, who may be appointed by the Crown for the execution of this important object, forms properly no part of the immediate supply of the year, it is however obvious, that the application of this credit will add, in whatever proportion it may be used in this and the succeeding year, to the actual expenditure of those years respectively.

Upon the foregoing statements, your Committee have first to remark, that the actual disbursements within the year 1817, have agreed very nearly with their estimate, although there are some material differences in the several heads of expenditure, which they comprise. These are chiefly in the expenditure of the Army, and of the Navy, and in the special charges not adverted to in the estimate of your Committee, and which did not form part of the ordinary supply of the year; the expenditure, under the first of those heads, was 213,873*l.* more, and under the second 773,000*l.* less than in the estimate; the extraordinary charges constitute an addition of expense to the amount of 695,848*l.* 0*s.* 10$\frac{3}{4}$*d.* The first of these differences appears to have arisen from the charge of the disembodied militia, not included in the estimate of your Committee, for a reason which will be adverted to hereafter; and the second, from the circumstance of the navy debt not having yet been reduced by the whole sum included in the votes of the last year for that purpose. The difference created by extraordinary charges, not estimated for, is explained by the note at the foot of the account.

The sum applied to the redemption of debt in 1817, and forming part of the total payments above stated, of 68,096,245*l.*, was 15,139,339*l.*, as particularized in the margin; leaving an expenditure of 52,956,905*l.*; which being contrasted with the actual income, as above stated, amounting to 51,665,460*l.*, and with the addition of the produce of the old stores and the lottery, to 52,302,210*l.*, there will appear to have been a difference between the expenditure and the receipts within the year, of 654,696*l.*

	£.
Sinking Fund and Interest of Debt redeemed from 1st Feb. 1817 to 5th Jan. 1818	14,159,763
Sinking Fund of Unfunded Debt	358,526
5 per Cents paid off	41,829
Navy Debt reduced	121,626
Ordnance Debt reduced	221,747
Consolidated Fund in Ireland, made good to the 5th January 1817	235,848
	£. 15,139,339

	£.
Expenditure after deducting Debt paid off	52,956,906
Total Receipts	52,302,210
	£. 654,696

But it is to be observed, that in addition to the above sum of 15,139,339*l.*, being the debt redeemed and discharged in the year 1817, out of the receipts within that year, there has been a farther reduction of debt to a considerable amount, by the application of sums issued from the Exchequer in the preceding year, and remaining in the hands of the commissioners for the redemption of the national debt, and of balances remaining in the Exchequer on the 5th January 1817, which, though it does not come strictly within the view taken by your Committee of the income and expenditure properly belonging to the year, as compared with each other, is nevertheless an important circumstance in the finance of the year, as it constitutes a real diminution of debt, as will appear by the following account:—

Compare of Debt Redeemed and Contracted in 1817.

	£.	£.
Debt on Consolidated Fund on the 5th January 1818		3,574,351
Deduct Debt at 5th January 1817		1,945,507
		£. 1,628,844
Amount of Unfunded Debt, Exchequer Bills, and Navy and Ordnance Debt, at 5th January 1818	63,198,114	
Do. - do. - do. 5th January 1817	52,082,664	
Increase		11,115,450
Increase of Unfunded Debt		£. 12,744,294

Applied in Redemption of Debt from 5th January 1817 to 5th January 1818	£. 15,344,982	
Five per Cents paid off	41,829	
		£. 15,386,811
Deduct Increase of Unfunded Debt		12,744,294
Actual diminution of Debt from the 5th January 1817 to 5th January 1818	£. 2,642,517	

In the statement relating to the current year, the first object of attention is the excess of the probable expenditure beyond the estimate formed by your Committee last year. This excess arises

	£.	
Grant of 1818, for Interest and Sinking Fund of Exchequer Bills	2,560,000	
Deduct probable diminution by Exchequer Bills withdrawn by funding	260,000	
	2,300,000	
Estimate in Fourth Report	2,230,000	
Difference	£. 70,000	

1st. From the charge of the 3½ per cent stock created, and the Exchequer bills funded in the present year, of which there will be payable in the course of the year about 961,488*l.*; while, on the other hand, as the diminution of the charge of the unfunded debt, consequent upon this funding, will not take effect in its full proportion before the close of the year, there will probably be an increase of 70,000*l.* under that head likewise, beyond the estimate of the Committee.

Army.	£.	
Estimate of the Committee	8,500,000	
Amount voted	8,967,974	
Difference	£. 467,974	

2d. By an exceeding in the army grant principally arising from the charge of the disembodied militia, which, having been formerly provided for by a charge upon the growing produce of the land tax, and paid by the receiver-general, was not included in the estimate stated by your Committee in their fourth Report; and from an increase in the amount of the half-pay and Chelsea allowances.

Navy.	£.	
Estimate of the Committee	6,000,000	
Amount voted	6,456,800	
Difference	£. 456,800	

3d. By an exceeding in the navy grant, chiefly owing to the expense of certain naval works at Plymouth, Sheerness, and some other of the principal dock-yards; upon which your Committee have stated their opinion in their eighth Report.

Ordnance.	£.	
Estimate of the Committee	1,150,000	
Amount voted	1,245,600	
Difference	£. 95,600	

4th. By an exceeding in the ordnance grant, chiefly occasioned by the increased allowance to the ordnance for supplies furnished by that department to the navy; the nature of which is pointed out by your Committee in their ninth Report.

5th. By an excess of the miscellaneous grants, to the extent of 83,200*l.*

And, lastly;—By the extraordinary charges specified in the margin, including the payment of 400,000*l.* to the court of Spain, in pursuance of the convention with that power, relative to the abolition of the slave trade. These various items of increase form altogether an amount of 2,872,606, by which the expenditure of the year 1818 may be expected to exceed the sum within which your Committee, at the time when their fourth Report was drawn up, had hoped it might have been limited.

	£.
Deficiency of Ways and Means	259,686
Payment to Spain	400,000
Arrear for building the Military College at Sandhurst	78,058
	£. 737,744

Of this amount of the probable expenditure for the current year, there will be applied, for the reduction of the national debt, 15,392,467*l.*; this being deducted from the total sum, would leave 52,697,014*l.*, as the real expenditure, agreeing very nearly with the total income, which, as estimated by your Committee in their fourth Report, would amount to 52,505,364*l.*

	£.
Sinking Fund of Funded Debt	14,832,467
Do. of Exchequer Bills	560,000
	£. 15,392,467

Your Committee having thus laid before the House their view of the income and expenditure of the last and of the present year, and having explained the grounds upon which they are led to entertain a confident belief that their estimate of the revenue of the United Kingdom, presented in the last session (which has hitherto been justified by the actual receipts), will, on the average of the current and

future years, be at least fully realized; it now only remains for them, in order to fulfil the instructions of the House, to present such a view, as they are enabled at the present time to form, of the probable income and expenditure of the year ending 5th January 1820.

With respect to the INCOME, the preceding part of this Report renders it unnecessary for your Committee to add any observation in assuming it, for the ensuing year, at not less than 52,500,000*l.*

In order to present a general view of the probable EXPENDITURE for the year 1819, the detailed estimates of which could not be prepared at the present time, with any satisfactory accuracy, by the several departments, your Committee have endeavoured to obtain the best information that could be afforded by the principal officers of those departments, with respect to the probable increase or diminution of expense, under the several heads into which the foregoing estimates of your Committee have been divided; having reference in particular, to the charge which would be created by the reduction of a number of troops, both on the army and ordnance establishments at home, equal to those which now compose the army of occupation in France, if that army should be withdrawn at the end of the present year. The result of those inquiries is,

1st. That, under the head of the consolidated fund, there will be a diminution in the total charge, as compared with that of the present year, by the amount which has been included in the estimate of your Committee, for the charge (payable within the year) on account of the late funding; viz. 961,488*l.*, as your Committee understand that the whole charge of that funding is, from the 5th January next, to be defrayed by the cancelling of stock redeemed, and now standing in the names of the commissioners for the redemption of the national debt, conformably to the act 53 George 3rd, aided by imperial annuities to the amount of 230,000*l.*, which will expire in the year 1819. This head of expenditure may therefore be estimated at 45,636,000*l.* 2nd. That the charge for interest and sinking fund of Exchequer bills, being estimated upon the amount which will be outstanding after the proposed diminution of the unfunded debt in the present year, may be stated at 1,760,000*l.* 3d. That in the army and ordnance there will probably be an increase of expense, under the above-mentioned contingency; viz. the return of the troops from France, by necessary additions to the half-pay, Chelsea pensions, pay of general officers, &c. &c. (after taking into consideration the average yearly saving by casualties) to the extent of 300,000*l.*, making the total sum for the army, navy, and ordnance 16,972,000*l.* 4th. That the miscellaneous services may be assumed at 1,700,000*l.*

	£.
Estimate of 4th Report and Appendix	45,636,675
Exchequer Bills granted, 1818..	60,000,000
To be cancelled	15,000,000
	£. 44,000,000
At 3 per Cent for Interest, and 1 per Cent for Sinking Fund (together 4 per Cent	1,760,000
Amount for the Army, Navy, and Ordnance, for 1818	16,672,000
Add probable addition to the Army and Ordnance	300,000
	£. 16,972,000

Supposing therefore no extraordinary charges to occur (and your Committee do not learn that at present any such are foreseen) the whole expenditure would amount, according to the foregoing estimate, to ..... £. 66,068,000
In which is included, for the redemption of debt (by estimate) 14,981,000

Leaving ..... £. 51,087,000

as the amount of the expenditure, exclusive of the sinking fund; which being compared with the estimated revenue, amounting to 52,500,000*l.*, there will appear to be a balance of 1,413,000*l.* of income, beyond the probable expenditure in the year ending the 5th January 1820.

It thus appears, that with respect to the year 1818, the income may be considered as very nearly balancing the expenditure, exclusively of any increase or diminution of debt; and that in the year 1819, after making allowance for the probable increase of expense unavoidable upon an event, which, under the treaty of peace with France, must occur, if not in the next year, within little more than two years from the present time, the expenditure (exclusively, in like manner, of the sum to be applied in reduction of debt) will be within the probable income: from whence it will follow that any improvement of the revenue beyond the limits of the estimate,

on the one hand, and every diminution of expense that may be made in future years, on the other, would have the effect of creating a surplus annually applicable to the diminution of the public debt; an object to which the wisdom of parliament, and the exertions of the government, cannot be too stedfastly directed; which has, indeed, taken place to some extent in each of the two years, whereof the actual expenditure has been under the consideration of your Committee, although not effected by income belonging to the ordinary receipt of the year, as they have specifically pointed out in their fourth Report, as well as in the present; and to the furtherance of which your Committee are willing to believe, that the measure to which they alluded at the close of their fourth Report, viz. the reduction of the interest on the 5 and 4 per cents, must, under a continuance of the present favourable prospects, and with the growing abundance of capital in the United Kingdom, materially contribute at no distant period.

25 May, 1818.

Appendix, (A. 1.)—Abstract of the Nett Produce of the Revenue of Great Britain, in the years ending 5th January 1817, and 5th January 1818, distinguishing the quarters; and also, the Total Produce of the Consolidated Fund, the Annual Duties, and the War Taxes.

	Quarters ending 5th April 1816.	Quarters ending 5th July 1816.	Quarters ending 10th October 1816.	Quarters ending 5th January 1817.	Year ending 5th January 1817.	Quarters ending 5th April 1817.	Quarters ending 5th July 1817.	Quarters ending 10th October 1817.	Quarters ending 5th January 1818.	Year ending 5th January 1818.
	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
Customs	1,394,639	767,816	1,499,288	1,317,381	4,979,154	1,719,314	831,853	1,880,180	2,458,628	6,889,975
Excise	5,325,558	4,124,975	4,937,055	4,484,440	17,871,998	3,819,211	3,831,360	4,025,209	4,695,074	16,370,854
Stamps	1,520,556	1,500,414	1,487,447	1,461,324	5,969,721	1,492,613	1,589,615	1,688,663	1,566,532	6,337,421
Post Office	378,000	353,000	365,000	330,000	1,426,000	342,000	323,000	354,000	319,000	1,338,000
Assessed Taxes	726,909	2,207,659	714,276	2,134,484	5,783,322	868,104	2,216,806	782,602	2,260,017	6,127,529
Land Taxes	133,227	426,503	180,067	388,132	1,127,929	154,550	464,664	190,502	353,604	1,163,320
Miscellaneous	72,712	70,554	41,848	56,085	241,199	98,595	62,160	76,799	255,318	492,872
Unappropriated { War Duties	- - -	- - -	- - -	- - -		30,225	20,031	12,124	6,200	68,580
Unappropriated { Property Tax	- - -	- - -	- - -	374,006	374,006	993,493	- - -	- - -	- - -	993,493
Total Consolidated Fund	8,551,551	9,450,951	9,224,975	10,545,852	37,773,329	9,518,103	9,339,489	9,010,079	11,914,373	39,782,044
Annual Duties to pay off Bills.										
Customs	39,143	524,691	958,540	870,827	2,393,201	192,982	877,760	1,241,770	558,993	2,871,505
Excise	7,654	90,732	98,641	337,097	534,124	13,279	83,727	124,684	36,441	258,131
Pensions, &c.	- - -	- - -	- - -	4,016	4,016	—	—	—	—	—
Total Annual Duties	46,797	615,423	1,057,181	1,211,940	2,931,341	206,261	961,487	1,366,454	595,434	3,129,636
Permanent and Annual Duties	8,598,348	10,066,374	10,282,156	11,757,792	40,704,670	9,724,364	10,300,976	10,376,533	12,509,807	42,911,680
War Taxes.										
Customs	517,659	490,151	31	525	1,008,366	—	—	—	—	—
Excise	1,067,266	1,354,616	1,259,533	780,659	4,462,074	809,565	779,647	739,943	768,157	3,097,312
Property (Appropriated)	4,861,027	2,071,776	2,960,576	1,292,205	11,185,584	- - -	472,338	407,072	389,048	1,268,458
Total War Taxes	6,445,952	3,916,543	4,220,140	2,073,389	16,656,024	809,565	1,251,985	1,147,015	1,157,205	4,365,770
Total Nett Revenue	15,044,300	13,982,917	14,502,296	13,831,181	57,360,694	10,533,929	11,552,961	11,523,548	13,667,012	47,277,450

Appendix, (A. 2.)—An Account of the Nett Produce of the Revenue of Ireland, as paid into the Exchequer, in the year ended the 5th day of January 1818 (in Irish Currency.)

	£.	s.	d
Customs	1,607,455	11	7½
Excise and Assessed Taxes	2,308,203	11	3¾
Stamps	563,621	11	3¾
Post Office	62,000	0	0
Miscellaneous	212,596	14	2¾
£.	4,753,677	8	5¾
British	£. 4,388,010	0	0

Irish Revenue Department,
Treasury Chambers, Whitehall,
7th May 1818.
S. R. LUSHINGTON.

The Irish and Portuguese Payments, for the Interest on their respective Debts payable in England, are excluded from this Statement; and the War Taxes appropriated to the Interest of Loans charged on them, are not included in the Consolidated Fund, but under the head of War Taxes, to the quarter ended 5th July 1816, inclusive, from which period certain War Duties of Customs being made perpetual by Act 56, Geo. 3rd, cap. 29, are included under the head of Consolidated Customs. S. R. Lushington.

Appendix, (B. 1.)—Abstract of the NETT PRODUCE of the REVENUE of Great Britain, in the years ending 5th April 1817 and 5th April 1818, distinguishing the quarters; and also, the Total Produce of the Consolidated Fund, the Annual Duties, and the War Taxes.

	Quarters ending 5th July 1816.	Quarters ending 10th October 1816.	Quarters ending 5th January 1817.	Quarters ending 5th April 1817.	Year ending 5th April 1817.	Quarters ending 5th July 1817.	Quarters ending 10th October 1817.	Quarters ending 5th January 1818.	Quarters ending 5th April 1818.	Year ending 5th April 1818.
	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
Customs	767,846	1,499,288	1,317,381	1,719,314	5,303,829	831,853	1,880,180	2,458,628	1,991,718	7,162,379
Excise	4,124,975	4,937,055	4,484,440	3,819,211	17,365,681	3,831,360	4,025,209	4,695,074	4,248,082	16,799,725
Stamps	1,500,414	1,487,447	1,461,324	1,492,611	5,941,796	1,589,615	1,688,663	1,566,532	1,588,759	6,433,569
Post Office	353,000	365,000	330,000	342,000	1,390,000	323,000	354,000	319,000	336,000	1,332,000
Assessed Taxes	2,207,659	714,270	2,134,484	868,104	5,924,517	2,216,806	782,602	2,260,017	917,414	6,176,839
Land Taxes	426,503	180,067	388,132	154,550	1,149,252	464,664	190,502	353,604	178,295	1,187,065
Miscellaneous	70,554	41,848	56,085	98,595	267,082	62,160	76,799	255,318	73,270	467,547
Unappropriated War Duties	- - -	- - -	- - -	30,225	30,225	20,031	12,124	6,200	713	39,068
Unappropriated Property Tax	- - -	- - -	374,006	993,499	1,367,499	—	—	—	—	—
Total Consolidated Fund	9,450,951	9,224,975	10,545,852	9,518,103	38,739,881	9,339,489	9,010,079	11,914,373	9,334,251	39,598,192
ANNUAL DUTIES to pay off BILLS.										
Customs	524,691	958,540	870,827	192,984	2,547,040	877,760	1,241,770	558,993	11,946	2,690,469
Excise	90,732	98,641	337,097	13,279	539,749	83,727	124,684	36,441	6,520	251,372
Pensions, &c.	- - -	- - -	4,016	- - -	4,016	—	—	—	—	—
Total Annual Duties	615,423	1,057,181	1,211,940	206,261	3,090,805	961,487	1,366,454	595,434	18,466	2,941,841
Permament and Annual Duties	10,066,374	10,282,156	11,757,792	9,724,364	41,830,686	10,300,976	10,376,533	12,509,807	9,352,717	42,540,033
WAR TAXES.										
Customs	490,151	31	525	- - -	490,707	—	—	—	—	—
Excise	1,354,616	1,259,532	780,659	809,565	4,204,373	779,647	739,943	768,157	897,203	3,184,950
Property (Appropriated)	2,071,776	2,960,576	1,292,205	- - -	6,324,557	472,338	407,072	389,048	254,190	1,522,648
Total War Taxes	3,916,543	4,220,140	2,073,389	809,565	11,019,637	1,251,985	1,147,015	1,157,205	1,151,393	4,707,598
Total Nett Revenue	13,982,917	14,502,296	13,831,181	10,533,929	52,850,323	11,552,961	11,523,548	13,667,012	10,504,110	47,247,631

Appendix, (B. 2.)—An Account of the NETT PRODUCE of the REVENUE of Ireland, as paid into the Exchequer, in the year ended the 5th day of April 1818 (In Irish Currency.)

	£.
Customs	1,582,406
Excise and Assessed Taxes	2,598,239
Stamps	553,792
Post Office	52,000
Miscellaneous	228,728
	£. 4,815,165
British	£. 4,444,768

Irish Revenue Department,
Treasury Chambers, Whitehall,
7 May 1818.
S. R. LUSHINGTON.

The Irish and Portuguese Payments for the Interest on their respective Debts payable in England, are excluded from this Statement, and the War Taxes appropriated to the Interest of Loans charged on them, are not included in the Consolidated Fund, but under the head of War Taxes, to the quarter ended 5th July 1816, inclusive; from which period certain War Duties of Customs, being made perpetual by Act 56 Geo. 3rd, cap. 29, are included under the head of Consolidated Customs. S. R. LUSHINGTON.

Appendix, (C. 1.)

Compare of the PRODUCE of the REVENUE in Great Britain, exclusive of the War Duty on Malt and Property, in the quarters ended 5th April 1817 and 1818.

	Quarters ended 5th April 1817.	Quarters ended 5th April 1818.	Increase.	Decrease.
	£.	£.	£.	£.
Customs	1,912,296	2,003,664	91,368	—
Excise	4,642,055	5,151,805	509,750	—
Stamps	1,492,611	1,588,759	96,148	—
Post Office	342,000	336,000	- - -	6,000
Assessed Taxes	868,104	917,414	49,310	—
Land Taxes	154,550	178,295	23,745	—
Miscellaneous	98,595	73,283	- - -	25,312
	£. 9,510,211	10,249,220	770,321	31,812
Deduct Decrease			31,812	
Increase on the Quarter			£. 739,009	

Treasury Chambers, 7th May 1818.

S. R. LUSHINGTON.

Appendix, (C. 2.)

An Account of the NETT PRODUCE of the REVENUE of Ireland, as paid into the Exchequer in the quarters ended the 5th day of April 1817, and 5th day of April 1818 (in British Currency.)

	Quarters ended 5th April 1817.	Quarters ended 5th April 1818.	Increase.	Decrease.
	£.	£.	£.	£.
Customs	324,635	301,514	- - -	23,121
Excise and Assessed Taxes	493,308	576,418	83,110	—
Stamps	151,504	142,431	- - -	9,073
Post Office	12,000	2,770	- - -	9,230
Miscellaneous	21,846	36,920	15,074	—
Total	£. 1,003,293	1,060,053	98,184	41,424
Deduct Decrease			41,424	
Increase on the Quarter			£. 56,760	

Irish Revenue Department, Treasury Chambers, Whitehall, 7th May 1818.

C. ARBUTHNOT.

An Account of the TOTAL AMOUNT of the NATIONAL DEBT in each Year, from contracted, the Amount of Debt redeemed, and also the

		GREAT BRITAIN.		
		Total Amount of Debt. Co. 1.	Debt contracted in each Year. Co. 2.	Debt redeemed in each Year, including 5 per Cents, 1797 paid off. Co. 3.
		£.	£.	£.
Amount at 1st August	1786	238,231,248	—	—
Between 1st Aug. 1786 and 1st Feb.	1787	238,231,248	—	662,750
	1788	238,231,248	—	1,456,900
	1789	238,231,248	—	1,506,350
	1790	238,231,248	—	1,558,850
	1791	238,231,248	—	1,587,500
	1792	238,231,248	—	1,507,100
	1793	238,231,248	—	1,962,650
	1794	244,481,248	6,250,000	2,174,405
	1795	260,157,773	15,676,525	2,804,945
	1796	311,863,471	51,705,698	3,083,455
	1797	368,809,040	56,945,569	4,390,670
	1798	394,159,040	25,350,000	6,695,585
	1799	429,783,290	35,624,250	7,779,807
	1800	451,658,290	21,875,000	20,211,571
	1801	480,703,290	29,045,000	10,281,776
	1802	536,657,603	55,954,313	9,925,739
	1803	567,003,978	30,351,375	8,846,450
	1804	583,008,978	16,000,000	12,409,854
	1805	603,925,792	20,916,814	11,951,711
	1806	640,752,103	36,826,311	12,673,475
In this and the following Years the Debt is shown, after deducting the 5 per Cents, 1797, paid off in each Year.	1807	670,632,103	29,880,000	14,085,017
	1808	689,005,303	18,373,200	14,672,717
	1809	702,698,556	13,693,253	14,728,227
	1810	723,975,678	21,278,122	15,061,321
	1811	743,787,785	19,811,107	16,106,263
Includes Loan 1811, raised for Ireland, chargeable on Great Britain.	1812	773,032,496	(a) 29,244,711	18,622,590
	1813	813,775,527	40,743,031	21,816,457
	1814	907,495,950	93,720,423	24,763,646
	1815	932,231,880	24,705,930	19,799,863
	1816	1,003,090,282	70,888,402	20,647,122
	1817	1,006,090,282	3,000,000	19,546,201
Great Britain and Ireland consolidated by 56 Geo. 3, c. 98.	* 5th Jan. 1818	1,109,123,032	—	18,512,227

(a) The above Debt of Ireland is exclusive of £. 1,900,900 Irish 5 per Cents, payable in England.

* By 57th Geo. 3, c. 48, the Sinking Fund Accounts terminate on the 5th January in each Year, instead of the 1st February as heretofore.

Note.—The above Sums in Columns 1, 2, and 3, after the Year 1806 differ from the Return made from this Office on the 13th February last, in consequence of the 5 per Cents. 1797, paid off, being included in this Account.

National Debt Office,
17th April 1818.

the 1st February 1786 to the 5th January 1818; stating the Amount of Debt Total Amount of Unredeemed Debt in each of those Years.

	IRELAND. funded in GREAT BRITAIN.			
Total unredeemed Debt. Co. 4.	Total Amount of Debt. Co. 5.	Debt contracted in each Year. Co. 6.	Debt redeemed in each Year. Co. 7.	Total unredeemed Debt. Co. 8.
£.	£.	£.	£.	£.
238,231,248	—	—	—	—
237,568,498	—	—	—	—
236,111,598	—	—	—	—
234,605,248	—	—	—	—
233,046,398	—	—	—	—
231,458,898	—	—	—	—
229,951,798	—	—	—	—
227,989,148	—	—	—	—
232,064,743	—	—	—	—
244,936,323	—	—	—	—
293,558,566	—	—	—	—
346,113,465	—	—	—	—
364,767,880	2,925,000	2,925,000	15,404	2,909,596
392,612,323	6,925,000	4,000,000	96,530	6,813,066
394,275,752	12,175,000	5,250,000	130,185	11,932,881
413,038,977	15,315,000	3,140,000	233,360	14,839,521
459,067,551	19,708,750	4,393,750	310,928	18,922,343
480,572,476	22,348,000	2,639,250	337,008	21,224,585
484,162,622	25,548,000	3,200,000	472,256	23,952,329
493,127,726	33,738,000	8,190,000	579,428	31,562,901
517,280,561	38,398,000	4,660,000	738,849	35,484,052
533,075,543	41,718,000	3,320,000	807,393	37,996,659
536,776,026	47,139,625	5,421,625	907,585	42,510,699
535,741,052	50,094,000	2,954,375	951,463	44,513,611
541,957,854	53,694,000	3,600,000	1,013,577	47,100,034
545,662,698	61,274,250	7,580,250	1,135,716	53,544,568
556,284,819	61,274,250	Included in Great Britain.	1,356,276	52,188,292
575,211,392	68,930,250	7,656,000	1,567,541	58,276,751
644,168,169	79,130,250	10,200,000	1,798,434	66,678,317
649,074,235	86,472,750	7,342,500	1,812,122	72,208,695
699,315,516	103,032,750	16,560,000	2,316,690	86,452,005
682,769,314	103,032,750	—	2,507,101	83,944,904
748,201,991	—	—	—	—

The Sums in Columns 3, and 7, have been redeemed and transferred as follows:

	£.
By the Sinking Fund	328,274,369
Land Tax	25,389,233
Life Annuities purchased	4,323,385
Stock, the Dividends due upon which have remained unclaimed 10 Years and upwards	222,037
Purchased with Unclaimed Dividends	348,600
	358,557,624
5 per Cents 1797, paid off	2,363,417
	360,921,041

The Sums in Columns 3, and 7, amount to 360,921,040*l.* The Difference arises from the fractional Parts of a Pound being omitted.

S. HIGHAM.

An Account of the average Amount of Bank Notes in circulation, including Bank Post Bills; in each half year, from the 1st of January 1797 to the 1st of January 1818, inclusive.

	£.
1797:	
January to June	10,821,574
July to December	11,218,084
1798:	
January to June	12,954,685
July to December	12,204,547
1799:	
January to June	13,374,874
July to December	13,525,714
1800:	
January to June	15,009,457
July to December	15,311,324
1801:	
January to June	16,134,249
July to December	15,487,555
1802:	
January to June	16,284,052
July to December	16,571,726
1803:	
January to June	15,967,094
July to December	17,043,450
1804:	
January to June	17,623,680
July to December	17,192,440
1805:	
January to June	17,271,429
July to December	16,480,713
1806:	
January to June	16,941,887
July to December	16,641,761
1807:	
January to June	16,724,368
July to December	16,687,438
1808:	
January to June	16,956,787
July to December	17,303,512
1809:	
January to June	18,214,026
July to December	19,641,640
1810:	
January to June	20,894,441
July to December	24,188,605
1811:	
January to June	23,471,297
July to December	23,094,046
1812:	
January to June	23,123,140
July to December	23,351,496
1813:	
January to June	23,939,693
July to December	24,107,445
1814:	
January to June	25,511,012
July to December	28,291,832
1815:	
January to June	27,155,824
July to December	26,618,210
1816:	
January to June	26,468,283
July to December	26,681,598
1817:	
January to June	27,339,768
July to December	29,210,055

Bank of England,
18th April 1818.

WILLIAM DAWES,
Accountant General.

An Account of the Total Weekly Amount of Bank Notes and Bank Post Bills in circulation, from the 3rd of February to the 3rd of March 1818: distinguishing the Bank Post Bills; the Amount of Notes under the value of Five Pounds; and stating the aggregate Amount of the whole.

1818.	Bank Notes of £.5 and upwards.	Bank Post Bills.	Bank Notes under £.5.	Total.
	£.	£.	£.	£.
February 10	19,650,590	1,848,380	7,446,610	28,945,580
—— 17	19,574,780	1,847,280	7,424,720	28,846,780
—— 24	18,996,980	1,855,000	7,364,620	28,216,600
March 3	19,047,570	1,828,470	7,372,080	28,248,120

Bank of England,
9th March 1818.

WILLIAM DAWES,
Accountant General.

ACCOUNTS RELATING TO PROSECUTIONS FOR FORGING BANK OF ENGLAND NOTES:—*viz.*

1.—An Account of the Number of Persons prosecuted for Forging Notes of the Bank of England, and for uttering or possessing such Notes knowing them to be forged; from the 1st of January 1816, to the 25th of February 1818; distinguishing the Years, and the Number convicted and acquitted of such Offences respectively.

Year.	Capital Convictions.	Convictions for having forged Bank Notes in possession.	Acquittals.	Total Number Prosecuted.
1816.....	20	84	16	120
1817.....	32	95	15	142
1818... to Feb. 25	4	21	1	26

2.—An Account of the Number of Persons prosecuted for Forging Notes of the Governor and Company of the Bank of England, and for uttering such Notes knowing them to be forged; during the 14 Years preceding the Suspension of Cash Payments by the Bank in February 1797, distinguishing the Years.

Year.	Capital Convictions.	Acquittals.	Total.
1783.....	nil.		
1784.....	2	-	2
1785.....	nil.		
1786.....			
1787.....			
1788.....	1	-	1
1789.....	-	1	1
1790.....	nil.		
1791.....			
1792.....			
1793.....			
1794.....			
1795.....			
1796.....			

3.—An Account of the Number of Persons prosecuted for Forging Notes of the Governor and Company of the Bank of England, and for knowingly uttering or possessing such Forged Notes, knowing them to be forged, since the Suspension of Cash Payments by the Bank in February 1797, to the 25th of February 1818; distinguishing the Years, and the Numbers Convicted and Acquitted.

Year.	Capital Convictions.	Convictions for having forged Bank Notes in possession.	Acquittals.	Total Number Prosecuted.
1797.....	1	—	1	2
1798.....	11	—	1	12
1799.....	12	—	3	15
1800.....	29	—	15	44
1801.....	32	1	21	54
1802.....	32	12	19	63
1803.....	7	1	1	9
1804.....	13	8	4	25
1805.....	10	14	4	28

Year.	Capital Convictions.	Convictions for having forged Bank Notes in possession.	Acquittals.	Total Number Prosecuted.
1806.....	—	9	1	10
1807.....	16	24	5	45
1808.....	9	23	2	34
1809.....	23	29	16	68
1810.....	10	16	3	29
1811.....	5	19	9	33
1812.....	26	26	12	64
1813.....	9	49	7	65
1814.....	5	39	3	47
1815.....	7	51	5	63
1816.....	20	84	16	120
1817.....	32	95	15	142
1818 ... to 25 Feb.	4	21	1	26

21st April 1818.

JOSEPH KAYE,
Solr to the Bank of England.

An Account of the total Number of Forged Bank Notes, discovered by the Bank to have been Forged, by presentation for Payment, or otherwise, from 1st January 1812 to 10th April 1818; distinguishing each Year, and also distinguishing the Number of Notes of £.1, of £.2, of £.5, of £.10, of £.20, and above £.20, in Value.

Years.	Number of Notes of £.1.	Number of Notes of £.2.	Number of Notes of £.5.	Number of Notes of £.10.	Number of Notes of £.15.	Number of Notes of £.20.	Number of Notes above £.20.	Total Number	Years.
In 1812 ...	12,255	4,261	1,125	205	- -	34	5	17,885	In 1812
1813 ...	11,347	3,097	827	38	- -	4	2	15,315	1813
1814 ...	10,342	3,320	1,011	38	- -	10	1	14,722	1814
1815 ...	14,085	2,829	806	41	2	1	1	17,765	1815
1816 ...	21,860	2,141	795	24	- -	5	24	24,849	1816
1817 ...	28,412	1,839	875	52	- -	- -	2	31,180	1817
1818.. to 10April	8,937	330	307	21	- -	- -	- -	9,645	1818 to 10 April
	107,238	17,787	5,826	419	2	54	35	131,361	

Bank of England,
13th May 1818.

H. HASE,
Chief Cashier.

FRENCH INDEMNITY.

An Account of all Sums received by Great Britain, since the 20th November 1815, as Portions of the Indemnity to be paid by France, by the Treaty of that date; specifying, the mode in which such Sums have been applied, and what part of them has been paid into the Exchequer.

Under the Convention concluded in conformity to the 4th Article of the principal Treaty, France was to pay Great Britain 125,000,000 *francs*, at the periods hereafter specified; viz.

		Francs.	*Francs.*
In the Year	1816.....	15,000,000	
——	1817.....	27,500,000	
——	1818.....	27,500,000	
——	1819.....	27,500,000	
——	1820.....	27,500,000	
			125,000,000

In pursuance of this Convention, the following Sums have been actually paid; viz.

			francs	cents		
1815.	December	22	615,000			
1816.	January ..	2	749,000			
—	—	8	3,636,000			
—	April	8	1,666,666	66		
—	August ...	1	8,333,333	34		
					15,000,000	
—	November	28	9,166,666	66		
1817.	April	7	458,000			
—	—	14	524,000			
—	—	21	524,000			
—	—	28	524,000			
—	May.....	5	524,000			
—	—	12	524,000			
—	—	15	524,000			
—	—	26	524,000			
—	June.....	2	457,000			
—	October ..	20	4,583,666	66		
—	November	10	4,583,000			
—	—	30	4,583,666	68		
					27,500,000	
—	—	27	9,166,666	66		
1818.	March ...	26	9,166,666	66		
					18,333,333	32

An Agreement was subsequently made with France, for postponing the payment of one half, the quadremetre becoming due from 1 April to 31 July 1817, to the 20 October 1817; and for postponing the whole of the quadremetre becoming due from the 1 August to the 30 November 1817, to the 10 and 30 November 1817; and Interest was charged to France for such postponement, amounting to *fs.* 133,106 . 52; and which was paid as follows; viz.

			francs	cents	
1817.	October...	27	67,106	52	
—	November	13	44,000		
—	December	23	22,000		
					133,106 . 52

Making the Total received from France to the 1 May 1818,. *fs.* 60,966,439 . 84

This Sum has been applied as follows:

Retained by the British Commissioners, on account of the Expenses of his Establishment	555,666 . 66
Paid into the Military Chest in France towards the Expenses of the Army of Occupation, over and above the Sums received from France on account of that Army..... ..	14,534,277 . 29
Paid to his Grace the Duke of Wellington, in Paris, towards the Sum of 25,000,000 francs, granted by Parliament as Prize Money to the Troops under his Grace's command.....	8,000,000
Remitted to England, and which produced the Sum of £. 1,406,916 11 11 sterling ...	31,886,833 . 34
TOTAL applied.....	54,976,777 . 29
Remaining in the Indemnity Chest in Paris, in Mandats, becoming due between the 1 May and 1 August	5,989,662 . 55
TOTAL Amount received from France ..... *fs.*	60,966,439 . 84

The Sum of £. 1,406,916 11 11 sterling, the Proceeds of the *f.* 31,886,833 . 34 remitted from France, as above stated, was applied as follows:

	£.	s.	d.
Towards completing the Grant of the Sum of 25,000,000 francs, as Prize Money to the Army under the command of his Grace the Duke of Wellington	707,263	10	5
To the Paymaster General of the Forces, in re-payment of Sums advanced and paid out of the Extraordinaries of the Army in England, for the use of the Troops serving in France in 1816 and 1817	104,579	0	0
To the Paymaster General of the Forces, in re-payment of Sums advanced and paid in England, out of the Sums granted for the Ordinary Service of the Army, on account of the Troops serving in France in 1816 and 1817	595,074	1	6
	£. 1,406,916	11	11

Whitehall, Treasury Chambers,
14 May 1818.

C. ARBUTHNOT.

THE

FINANCE ACCOUNTS

OF

THE UNITED KINGDOM

OF

GREAT BRITAIN AND IRELAND,

FOR THE YEAR ENDED FIFTH JANUARY

1818.

Class		*Class*	
I.	PUBLIC INCOME.	V.	PUBLIC EXPENDITURE.
II.	CONSOLIDATED FUND.	VI.	PUBLIC FUNDED DEBT.
III.	ARREARS AND BALANCES.	VII.	UNFUNDED DEBT.
IV.	TRADE AND NAVIGATION.	VIII.	DISPOSITION OF GRANTS.

I.—PUBLIC INCOME OF THE UNITED KINGDOM,

FOR THE YEAR ENDING FIFTH JANUARY, 1818.

An Account of the Ordinary Revenues and Extraordinary Resources, constituting the Public Income of the United Kingdom of Great Britain and Ireland.

Heads of Revenue.	Gross Receipt: Total Sum to be accounted for. £.	s.	d.	Drawbacks, Discounts, Charges of Management, &c. paid out of the Gross Revenue. £.	s.	d.	Nett Produce applicable to National Objects, and to Payments into the Exchequer. £.	s.	d.
Ordinary Revenues.									
CUSTOMS	16,382,363	2	8½	3,669,275	12	1½	12,713,587	10	7
EXCISE	33,975,867	4	0	3,118,990	11	3½	30,492,684	0	11
LAND and ASSESSED TAXES				364,192	11	9¾			
STAMPS	7,520,505	16	6½	418,739	4	10	7,101,766	11	8½
POST OFFICE	2,316,732	17	4	671,807	9	10¾	1,644,925	7	5¼
PENSIONS and SALARIES 1s. in the £.	19,930	4	3½	379	10	10	19,550	13	5¼
PENSIONS and SALARIES 6d. in the £.	12,333	16	2½	633	5	4	11,700	10	10½
HACKNEY COACHES	29,314	4	4½	3,832	11	1½	25,481	13	3
HAWKERS and PEDLARS	25,471	14	6½	3,675	1	0¾	21,796	13	5½
POUNDAGE FEES (Ireland)	4,367	12	9½	-	-	-	4,367	12	9½
PELLS FEES Do.	873	10	7½	-	-	-	873	10	7½
CASUALTIES Do.	2,877	3	5½	-	-	-	2,877	3	5½
SMALL BRANCHES of the KING'S HEREDITARY REVENUE	159,630	10	5¾	4,027	7	3¼	155,603	3	2½
Total of Ordinary Revenues	60,450,767	17	3¾	8,255,553	5	6¾	52,195,214	11	9
Extraordinary Resources.									
PROPERTY TAX and INCOME DUTY. (Arrears)	2,568,654	0	3½	49,244	0	5¼	2,519,409	19	10¼
Lottery, Nett Profit	215,729	5	0	19,040	0	0	196,689	5	0
Unclaimed Dividends, &c. paid into the Exchequer by the Chief Cashier of the Bank of England	236,288	3	3	-	-	-	236,288	3	3
Surplus Fees of Regulated Public Offices	27,422	12	8	-	-	-	27,422	12	8
Voluntary Contributions	5,000	0	0	-	-	-	5,000	0	0
On Account of the Commissioners, appointed by 35 Geo. 3, c. 127, and 37 Geo. 3, c. 27, for issuing Exchequer Bills for Grenada, &c.	3,484	10	11	-	-	-	3,484	10	11
From several County Treasurers in Ireland, on account of Advances made by the Treasury for improving Post Roads, on account of Advances for building Gaols, and under the Police Act of 54 Geo. 3, (Ireland)	69,243	13	7½	-	-	-	69,243	13	7½
Monies paid on account of Balance due by Ireland, on joint Expenditure of the United Kingdom	117,228	0	10	-	-	-	117,228	0	10
From the Paymaster General of Great Britain, on account of Advances made by Ireland for Half Pay to Reduced Officers, Pensions to Officers Widows, &c. on the British Establishment	9,130	7	0	-	-	-	9,130	7	0
From the Receiver General of Navy Payments in Ireland, in repayment of Money advanced by the Government of Ireland, for Naval Services	47,458	4	2½	-	-	-	47,458	4	2½
Imprest Monies Repaid by Sundry Public Accountants, and other Monies paid to the Public	356,690	9	5½	-	-	-	356,690	9	5½
Total Public Income of the United Kingdom	64,107,097	4	6¾	8,323,837	6	0	55,783,259	18	6¾
Add, Appropriated Duties for Local Objects in Ireland	55,899	5	8¾	2,270	8	11	53,628	16	9¾
GRAND TOTAL	64,162,996	10	3½	8,326,107	14	11	55,836,888	15	4½

II.—CONSOLIDATED FUND AND PERMANENT TAXES.—INCOME AND CHARGE, 1818.

INCOME.				CHARGE.	Actual Payment out of the Consolidated Fund in the Year ended 5th January 1818.			Future Annual Charge upon the Consolidated Fund as it stood on 5th January 1818.		
	£.	s.	d.		£.	s.	d.	£.	s.	d.
CUSTOMS: Consolidated, after reserving the sum of £. 105,000 per annum, to be carried to Duties pro Anno 1809, per Act 49, Geo. 3 ..... £. 2,868,295	13	3¾		TOTAL CHARGE for debt created prior to 1808	22,917,245	19	1½	22,922,509	15	2¾
Isle of Man Duties 7,144	17	7½		CIVIL LIST:						
Quarantine Duty 17,112	2	2½		For the Support of his Majesty's Household, per Act 17 Geo. 3	898,000	0	0	898,000	0	0
Canal and Dock Duty..... 21,510	8	1½		Ditto..... 44 ditto	60,000	0	0	60,000	0	0
Temporary or War duty 1809, made permanent Anno 1816 1,745,212	18	11		Ditto..... 52 ditto	70,000	0	0	70,000	0	0
Do. in 1810 and 1811..... 100,426	6	9¾		COURTS OF JUSTICE, &c.						
4,759,702	7	0		Judges of England and Wales, in Augmentation of their Salaries	13,050	0	0	13,050	0	0
EXCISE: Consolidated, after reserving the several sums carried per Acts 52, 53 and 55 Geo. 3, to the Duties pro Annis 1812, 1813 and 1815...£. 13,167,534	17	3½		Deficiencies of Judges Salaries in England	12,982	2	8	Uncertain.		
British Spirits, Anno 1806, Schedule A 577,850	0	0		Additional Salaries to Welsh Judges.....	3,200	0	0	3,200	0	0
13,745,384	17	3½		John Baldwin, Esq. Receiver of the Seven Police Offices	21,642	18	6¼	Uncertain.		
STAMPS: Consolidated, after reserving as directed per Acts 48, 50 and 55 Geo. 3 ..... £. 3,990,279	0	2		Patrick Colquhoun, Esq. Ditto Thames Police Office	7,666	14	8	Ditto.		
Licences for selling Lottery Tickets..... 3,479	15	1		Henry John Hinchliffe, Vice Admiralty Judge at Jamaica	2,000	0	0	2,000	0	0
3,993,758	15	3		Sheriffs of England and Wales	4,000	0	0	4,000	0	0
				MINT:						
				Master of the Mint in England	13,800	0	0	13,800	0	0
				Ditto.....Do.....Scotland	1,200	0	0	Uncertain.		
				SALARIES AND ALLOWANCES:						
				Speaker of the House of Commons, to complete his Salary of £. 6,000 per annum	2,627	15	9	Uncertain.		
				Edward Roberts, Esq. an annual Sum formerly paid to the Auditor	650	0	0	650	0	0
				George Pepler, Esq. Inspector of Tontine Certificates	750	0	0	Uncertain.		

INCIDENTS	6,886,946	3	6¼
Surplus Duty on Sugar, Malt and Tobacco, annually granted	2,500,920	7	7½
Annual Malt, &c. Anno 1815, 1816, and 1817	297,971	0	0
Pensions, Offices, and Personal Estates, Anno 1814, 1815, 1816, and 1817	45,773	10	9¼
Land Taxes Anno 1803 to 1817	1,117,551	6	5½
Income Duty, Anno 1801	334	0	0
Monies received on account of Nominees appointed by the Lords of the Treasury, in Tontine, Anno 1789	25,517	16	4½
Unappropriated War Duties	1,062,074	15	5¼
Brought from Civil List, 3rd Class	3,356	12	2
Monies paid by divers persons	350,515	7	5¾
Duties pro Anno 1808:			
Surplus Consolidated Duties on Assessed Taxes, after reserving as directed per Act 48 Geo. 3:			
	£.	s.	d.
Houses and Windows	44,912	13	0
Inhabited Houses	22,136	6	0
Male Servants	45,858	6	0
Carriages	8,687	2	0

[This Account continued over leaf.]

Chief Cashier of the Bank, for Fees paid at sundry Public Offices	1,160	0	0	Uncertain.
Ditto.....South Sea Company, for Ditto	275	16	0	Ditto.
For the Encouragement of the Growth of Hemp and Flax in Scotland	2,956	13	8	2,956 13 8
COMMISSIONERS OF PUBLIC ACCOUNTS:				
William Mackworth Praed, Esq. Chairman	1,500	0	0	1,500 0 0
Sir Charles W. R. Boughton, Bart.	1,200	0	0	1,200 0 0
Francis Percival Eliot, Esq.	1,200	0	0	1,200 0 0
Richard Dawkins, Esq.	1,200	0	0	1,200 0 0
John Sargent, Esq.	1,200	0	0	1,200 0 0
John Anstey, Esq.	1,200	0	0	1,200 0 0
John Whishaw, Esq.	1,200	0	0	1,200 0 0
Salaries and Contingencies in the Office of the said Commissioners	35,781	7	1	Uncertain.
COMMISSIONERS OF WEST INDIA ACCOUNTS:				
John Halket, Esq. Chairman	1,500	0	0	1,500 0 0
James Chapman, Esq.	1,000	0	0	1,000 0 0
John Wilson, Esq.	1,000	0	0	1,000 0 0
Salaries and Contingencies in the Office of the said Commissioners	6,518	17	8	Uncertain.
MISCELLANEOUS:				
Interest, &c. on a Moiety of 50 millions of florins, raised by the House of Hope & Co. for the Service of Russia, per 55 Geo. 3, cap. 115	130,641	7	0	Ditto.
Deficiency of Profits to the South Sea Company, per 55 Geo. 3, cap. 57, sec. 3	2,628	14	2	Ditto.
Bounty to Lieut. G. B. Vine, on Seizure of Slaves on board La Parisienne, and condemned at the Mauritius	3,685	0	0	—
Ditto to Sir Ralph Woodford, on Seizure and Condemnation of Slaves imported into the West Indies	78	0	0	—
Ditto to Augustus Pechell, Esq. for the like Service	78	0	0	—
PENSIONS:				
Earl of Chatham	4,000	0	0	4,000 0 0
Lord Rodney	2,000	0	0	2,000 0 0

[This Account continued over leaf.]

	£.	s.	d.
Horses for Riding	13,483	10	0
Do. for Husbandry	10,804	2	0
Dogs	2,519	12	0
Hair Powder	873	14	0
Armorial Bearings	798	6	0
Horsedealers Licences	186	12	0
	150,240	8	0
Surplus Consolidated Stamps, after reserving as directed per Act 50 Geo. 3, c. 71	150,000	0	0
TOTAL Income of Duties pro Anno 1808	300,240	8	0
DUTIES pro Anno 1809 :			
Brought from Consolidated Customs, per Act 49 Geo. 3, cap. 98	105,000	0	0
TOTAL Income of Duties applicable to paying the Charges prior to the Year 1808, and the Incidental Charges as they stood on the 5th January 818	34,787,806	17	4½
TOTAL Income of Duties pro Anno 1808	300,240	8	0
Do. 1809	105,000	0	0
Do. 1810	1,544,870	16	4½
Do. 1811	555,779	0	0

	£.	s.	d.	£.	s.	d.
Lady Dorchester	1,000	0	0	1,000	0	0
John Penn, Esq.	1,000	0	0	1,000	0	0
Richard Penn, Esq.	3,000	0	0	3,000	0	0
Duke of Clarence	12,000	0	0	12,000	0	0
- - York	14,000	0	0	14,000	0	0
Duchess of York	4,000	0	0	4,000	0	0
Prince of Wales	65,000	0	0	65,000	0	0
Earl St. Vincent	2,000	0	0	2,000	0	0
Viscount Duncan	2,000	0	0	2,000	0	0
Duke of Kent	12,000	0	0	12,000	0	0
- - Cumberland	12,000	0	0	12,000	0	0
- - Richmond	6,333	6	8	6,333	6	8
Lord Erskine	4,000	0	0	4,000	0	0
Sir Arch. Macdonald	2,500	0	0	2,500	0	0
Sir James Mansfield	2,500	0	0	2,500	0	0
Sir Alan Chambré	2,000	0	0	2,000	0	0
Sir Sydney Smith	1,000	0	0	1,000	0	0
Baroness Abercrombie	2,000	0	0	2,000	0	0
John Woodfield Compton, Esq.	1,000	0	0	1,000	0	0
Alexander Croke, Esq.	1,000	0	0	1,000	0	0
Duke of Sussex	12,000	0	0	12,000	0	0
- - Cambridge	12,000	0	0	12,000	0	0
Lord Hutchinson	2,000	0	0	2,000	0	0
Sir James Saumarez	1,200	0	0	1,200	0	0
Lord Boringdon et al. in trust for Lord Amherst	3,000	0	0	3,000	0	0
Duke of Athol	2,360	12	5¼	Uncertain.		
Henry Moreton Dyer, Esq.	1,000	0	0	1,000	0	0
John Sewell, Esq.	1,000	0	0	1,000	0	0
William Territt, Esq.	1,000	0	0	1,000	0	0
Lady Nelson	2,000	0	0	2,000	0	0
Sir Richard Strachan	1,000	0	0	1,000	0	0
Lady Collingwood	1,000	0	0	1,000	0	0
Hon. Sarah Do.	500	0	0	500	0	0
Mary Pat. Do.	500	0	0	500	0	0
Sir John Duckworth	500	0	0	—		
Duke of Clarence	6,000	0	0	6,000	0	0
- - Kent	6,000	0	0	6,000	0	0
- - Cumberland	6,000	0	0	6,000	0	0
- - Sussex	6,000	0	0	6,000	0	0
- - Cambridge	6,000	0	0	6,000	0	0
- - Gloucester	14,000	0	0	14,000	0	0
Princess Sophia of Do.	7,000	0	0	7,000	0	0

Do. 1812	1,126,769	9	8
Do. 1813	437,017	16	7
Do. 1814	22,000	0	0
Do. 1815	902,686	2	0½
Total Income received in Great Britain.....	39,782,170	10	0½

INCOME RECEIVED IN IRELAND:

Custom Duties ..... £.	1,483,805	3	0½
Excise	1,687,941	7	4¼
Assessed Taxes	442,708	1	6¾
Quit Rents	81	6	5¼
Casual Revenue	2,877	3	5½
Balances received from dismissed and deceased Collectors...	2,121	2	1¾
Stamp Duties	506,419	18	1½
- Do. from the Bank of Ireland, a Composition in lieu of Stamps on their Notes, for one year, to 25 March 1818	13,846	3	1

[This Account continued over leaf.]

Earl Nelson	5,000	0	0	5,000	0	0	
Lord Rodney	923	1	6	923	1	6	
Viscount Lake	2,000	0	0	2,000	0	0	
Viscount Wellington	2,000	0	0	2,000	0	0	
Earl of . Do.	2,000	0	0	2,000	0	0	
Hon. Jane Perceval (now Carr)				2,000	0	0	
Princesses Augusta Sophia, Elizabeth, Mary, and Sophia, £. 9,000 to each	2,000	0	0				
Sir Archibald Macdonald	36,000	0	0	36,000	0	0	
Sir James Mansfield	800	0	0	800	0	0	
Sir Alan Chambré	800	0	0	800	0	0	
Princess of Wales	600	0	0	600	0	0	
Duke of Wellington	35,000	0	0	35,000	0	0	
Lord Beresford.....	13,000	0	0	13,000	0	0	
- Combermere	2,000	0	0	2,000	0	0	
- Exmouth	2,000	0	0	2,000	0	0	
- Hill	2,000	0	0	2,000	0	0	
- Lynedoch	2,000	0	0	2,000	0	0	
- Walsingham ..... (*dead*) ...	2,000	0	0	2,000	0	0	
Duke of York et. al. in trust for the late Princess Charlotte and Prince of Cobourg	45,000	0	0	—			
Do. for the Prince of Cobourg...	8,620	13	9½	50,000	0	0	
Duke of York	12,000	0	0	12,000	0	0	
- - Clarence	2,500	0	0	2,500	0	0	
Princesses Augusta Sophia, Elizabeth, Mary, and Sophia, £. 4,000 to each	16,000	0	0	16,000	0	0	
Lord Colchester	3,000	0	0	4,000	0	0	
Total of Incidental Charges, &c. upon the Consolidated Fund, as they stood on the 5th January 1818	1,755,211	1	7	1,520,013	1	10	
Total Charge for Debt incurred prior to the Year 1808.....	22,917,245	19	1½	22,922,509	15	2¾	
Total of Incidental Charges, &c.....	1,755,211	1	7	1,520,013	1	10	
Total Charge for Debt incurred in the Year... 1808...	878,055	3	0	878,055	3	0	
Ditto ..... 1809 ..	1,378,013	14	10¼	1,378,013	14	10¼	
Ditto ..... 1810...	1,276,589	10	2½	1,276,589	10	2½	
Ditto ..... 1811...	1,495,929	14	9	1,495,929	14	9	
Ditto ..... 1812...	2,216,397	10	6¾	2,216,397	10	6¾	
Ditto ..... 1813...	4,151,235	1	9½	4,152,671	15	5	
Ditto ..... 1814...	3,268,802	16	0½	3,268,802	16	0½	

[This Account continued over leaf.]

				£.	s.	d.
Postage	57,230	15	4½			
Poundage Fee	4,367	12	9½			
Pell Fee	873	10	7½			
Treasury Fees	1,576	15	6			
Hospital Fees	233	8	7¼			
	4,204,082	8	1¼			
Imprest Monies repaid, and other Monies received for the Public	180,734	1	5			
On Debentures at £.5 per cent. per ann. issued pursuant to Act 45 Geo. 3, for improving Post Roads in Ireland	3,193	9	1			
Total Income received in Ireland				4,388,009	18	7¼
Total Income of the United Kingdom				44,170,180	8	7¾
Deficiency of Income				2,002,088	3	8¼
				46,172,268	12	4

Total Charge for Debt incurred in the Year 1815	£.4,365,619	10	2¾	£.4,365,619	10	2¾			
Ditto for Irish Annuities transferred as above 1816	46,526	4	5¾	86,501	1	8¼			
Interest upon Exchequer Bills	5,913	14	1	—					
	43,755,540	0	8½	43,561,103	13	9¾			
Total Charge payable in Great Britain				43,755,540	0	8½			
CHARGE DEFRAYED IN IRELAND:									
Interest on Funded Debt	1,192,846	2	0¾						
Sinking Fund	489,861	10	5½						
Interest on Exchequer Bills	105,807	13	10¼						
Management for Life Annuities	2,450	12	2						
Civil List	207,692	6	2						
Charges pursuant to sundry Acts of Parliament:									
County Infirmaries	3,092	6	2						
Public Coal Yards	2,708	13	2						
Police Establishment	11,446	3	1						
Do. in proclaimed Districts	38,952	9	5½						
Inspector Gen. of Prisons, per 50 Geo. 3, c. 103	4,132	15	5½						
Fees on Auditing Treasury Accounts	1,218	9	3						
Imprest Office, per 52 Geo. 3, cap. 51 and 52	18,276	18	5¾						
Annuities	80,979	14	5						
Judges Augmentation Salaries, &c.	38,531	1	6½						
Board of Education	1,866	5	3						
Treasury Fee Fund Salaries	9,282	9	11¼						
Secret Service in detecting Treasonable Conspiracies	12,000	0	0						
Transportation of Felons	7,383	13	0						
Carriage of Army Baggage	4,349	7	3¼						
Retired Militia Officers	1,048	13	9						
Board of First Fruits	1,246	3	1						
Advances for improving Post Roads in Ireland	32,408	4	3¾						
Advances for building Gaols	55,671	1	3¼						
Advances towards erecting a Harbour eastward of Dunleary	27,692	6	1¾						
Advances for Public Works and Relief of the Poor, per 57 Geo. 3, cap. 24 and 134	40,015	7	8¼						
In further part of Joint Expenditure of Great Britain and Ireland, to 5 Jan. 1816	25,768	4	2¼						
Total Charge payable in Ireland				2,416,728	11	7½			
Total Charge of the United Kingdom				46,172,268	12	4			

III.

ARREARS AND BALANCES OF PUBLIC ACCOUNTANTS.

HEADS OF THESE ACCOUNTS.

CUSTOMS in England; Arrears due on the 5th of January 1818.
Ditto in Scotland; Ditto Ditto
Ditto in Ireland; Ditto Ditto

EXCISE in England;—Arrears due on the 5th of Janury 1818.
Ditto in Scotland; Ditto Ditto
Ditto in Ireland; Ditto Ditto

STAMPS in Great Britain;—Arrears due on the 5th of January 1818.
Ditto Ditto ;—Balances in the hands of Distributers on the 10th of October 1817, and 5th of January 1818.
Ditto in Ireland;—Balances and Arrears on the 5th of January 1818.

LAND AND ASSESSED TAXES in Great Britain; Arrears and Current Balances on the 5th of January 1818.
Ditto in Ireland; Balances of deceased and dismissed Collectors, on the 5th of January 1818.

POST OFFICE in Great Britain;—Arrears due on the 5th of January 1818.
Ditto Ditto ;—Balances in the hands of Deputy Postmasters, in the Quarters ending on the 5th of July and the 10th of October 1817, and the 5th of January 1818.
Ditto in Ireland;—Arrears due on the 5th of January 1818.
Ditto Ditto;—Balances in the hands of Deputy Postmasters on the 5th of July and 5th of October 1817, and 5th of January 1818.

LAND REVENUE of the Crown;—Arrears and Balances on the the 5th of January 1818.

PUBLIC ACCOUNTANTS;—List of, in respect of whom the execution of any Process or Proceeding hath been controlled, suspended, or procured.

COMPTROLLERS of ARMY ACCOUNTS;—Balances on the 5th of January 1818.

COMMISSIONERS for Auditing the Public Accounts;—List of Offices and Departments whose Accounts have been usually Audited by them.

Ditto LIST OF ACCOUNTS delivered over to them, which have *not* been Audited, Stated, or Declared; completed to the 5th of January 1818.

Ditto LIST OF ACCOUNTS delivered over to them, which *have* been either Stated or Declared, so far as any Balances appear to be now owing to or from the Public; completed to the 5th of January 1818.

IV.

TRADE AND NAVIGATION OF THE UNITED KINGDOM.

I.—TRADE OF GREAT BRITAIN.

An Account of the Value of all IMPORTS into, and all EXPORTS from, GREAT BRITAIN, during each of the Four Years ending the 5th January 1818 (calculated at the Official Rates of Valuation, and stated inclusive and exclusive of the Trade with IRELAND); distinguishing the Amount of the Produce and Manufactures of the United Kingdom Exported, from the Value of Foreign and Colonial Merchandize Exported:—also, stating the Amount of the Produce and Manufactures of the United Kingdom Exported from GREAT BRITAIN, according to the Real and Declared Value thereof.

YEARS.	OFFICIAL VALUE OF EXPORTS.	OFFICIAL VALUE OF IMPORTS.			Declared Value of Produce and Manufactures of the United Kingdom Exported.
		Produce and Manufactures of the United Kingdom.	Foreign and Colonial Merchandize.	Total Exports.	
	£.	£.	£.	£.	£.
1815	36,559,788	36,120,733	20,503,496	56,624,229	47,859,388
1816	35,989,650	44,048,701	16,929,608	60,978,309	53,209,809
1817	30,105,565	36,697,610	14,545,964	51,243,574	42,955,256
1818	33,971,025	41,590,516	11,534,616	53,125,132	43,614,136
1815	32,620,770	33,200,580	19,157,818	52,358,398	43,447,372
1816	31,822,053	41,712,002	15,708,434	57,420,436	49,653,245
1817	26,374,920	34,774,520	13,441,665	48,216,185	40,328,940
1818	29,916,320	39,235,397	10,269,271	49,504,668	40,337,118

V.—PUBLIC EXPENDITURE—JAN. 1818.

	£. s. d.	£. s. d.
I. For Interest, &c. on the Permanent Debt of the United Kingdom, Unredeemed; including Annuities for Lives and Terms of Years		44,108,233 8 7½
II. The Interest on Exchequer Bills		1,815,926 17 8¼
III. The Civil Lists of England £. 1,028,000 0 0; Ireland 163,168 11 4	1,191,168 11 4	
IV. The other Charges on the Consolidated Fund. Courts of Justice, in England	64,541 15 10¾	
Mint	15,000 0 0	
Allowances to the Royal Family, Pensions, &c.	447,637 14 4¾	
Salaries and Allowances	62,920 10 2	
Bounties and Compensations	3,841 0 0	
Miscellaneous	133,270 1 2	
Permanent Charges in Ireland	385,282 9 10½	
		2,303,662 2 9½
V. The Civil Government of Scotland		130,646 3 4
VI. The other Payments in Anticipation of the Exchequer Receipts, viz.	£. s. d.	
Bounties for Fisheries, Manufactures, Corn, &c. Customs 278,095 11 4¼; Excise 51,950 1 0½	330,045 12 4¾	
Pensions on the Hereditary Revenue Excise £.14,000 0 0; Post Office 13,700 0 0	27,700 0 0	
Militia, and Deserters Warrants, &c.	93,657 18 2	
		451,403 10 6¾
VII. The Navy, viz.		
Wages	2,524,000 0 0	
General Services	2,793,586 8 11	
The Victualling Department	1,155,476 4 9¾	
		6,473,062 13 8¾
VIII. The Ordnance		1,435,401 9 6
IX. The Army, viz.		
Ordinary Services £. 7,014,494 5 4½		
Extraordinary Services, including Remittances and Advances to other Countries 3,859,518 14 1¼	10,874,382 19 5¾	
Deduct the Amount of Repayments for which Credit is given in the Extraordinaries of the Army	1,252,016 12 9	
Also, the Amount of Remittances and Advances to other Countries, included in Appendix I	7,502 1 11	
		9,614,864 4 9¾
X. Loans, Remittances, and Advances to Ireland and other Countries, viz.		
Ireland	25,770 16 8	
Russia £. 54 14 9		
America 544 1 11¾		
Morocco 5,673 11 7		
Tunis 153 19 10¾		
Holland 1,075 13 8½		
	7,502 1 11	
		33,272 18 7
XI. Issues from Appropriated Funds for Local Purposes		42,585 7 4¼
XII. Miscellaneous Services, viz.		
At home	2,301,698 17 0	
Abroad	164,784 4 7¾	
		2,466,483 1 7¾
Deduct Remittance to Ireland	25,770 16 8	
Sinking Fund on Loan to East India Company	139,268 9 8	68,875,541 18 7½
		165,039 6 4
		68,710,502 12 3½

VI.—PUBLIC FUNDED DEBT.

An Account of the Public Funded Debt of Great Britain, as it stood on the 5th of January 1818.

	CAPITALS, at £. 3 per Cent per Annum.				£. 3½ per Cent Annuities.	Consolidated £. 4 per Cent.	CAPITALS, at £. 5 per Cent.		
	Bank of England,	South Sea Old and New Annuities, 1751.	Consolidated Annuities.	Reduced Annuities.			Consolidated Annuities.	Annuities 1797 and 1802	Formerly paid by Ireland, now payable in Great Britain.
	£.	£. s. d.	£. s. d.	£. s. d.	£.	£. s. d.	£. s. d.	£.	£. s. d.
Total DEBT of the United Kingdom, payable in Great Britain	15,686,800	21,037,684 13 11½	396,790,459 2 4¼	185,258,834 19 5	- -	74,935,719 2 2	134,900,057 9 7	1,021,968	1,667,703 10 8
.....payable in Ireland	- -	- - -	- - -	- - -	13,983,746	789,784 12 4½	11,080,698 3 7	—	—
.....Loans to the Emperor of Germany, payable in Great Britain ...	- -	- - -	7,502,633 6 8	—	—	—	—	—	—
.....Ditto to the Prince Regent of Portugal, payable in Ditto	- -	- - -	- - -	895,522 7 9	—	—	—	—	—
	15,686,800	21,037,684 13 11½	404,293,092 9 0¼	186,154,357 7 2	13,983,746	75,725,503 14 6¼	145,980,755 13 2	1,021,968	1,667,703 10 8
In the Names of the Commissioners of the National Debt	299	7,294,500 0 0	23,747,238 8 1	48,539,643 17 2	4,686,460	195,654 18 11½	16,351 10 10	5,675	—
	15,686,500	13,743,184 13 11½	380,545,854 0 11¼	137,614,713 10 0	9,297,286	75,529,848 15 6¾	145,964,404 2 4	1,016,292	1,667,703 10 8
Transferred to Commissioners for Purchase of Life Annuities, per 48 Geo. 3, cap. 142	- -	- - -	2,837,620 0 0	1,453,569 0 0	- -	3,824 0 0	28,372 0 0	—	—
Total..... £.	15,686,500	13,743,184 13 11½	377,708,234 0 11¼	136,161,144 10 0	9,297,286	75,526,024 15 6¾	145,936,032 2 4	1,016,292	1,667,703 10 8

(Repeated Column.)	TOTAL CAPITALS. £. s. d.	ANNUAL INTEREST. £. s. d.	Annuities for Lives. £. s. d.	Charges of Management. £. s. d.	Annual or other Sums by sundry Acts. £. s. d.	TOTAL of ANNUAL EXPENSE. £. s. d.
TOTAL DEBT of the United Kingdom, payable in Great Britain	831,299,227 10 5¾	28,440,128 12 1¾	1,432,834 1 1¾	269,556 18 11¾	11,654,357 0 4¾	41,796,876 12 8
.....payable in Ireland.....	25,854,229 8 6½	1,075,057 8 6	43,908 18 5¼	2,228 2 8½	436,388 3 9	1,557,582 13 4¾
..... Loans to the Emperor of Germany, payable in Great Britain	7,502,633 6 8	225,079 0 0	230,000 0 0	3,809 7 6	36,693 0 0	495,581 7 6
..... Ditto to Prince Regent of Portugal, payable in Ditto.....	895,522 7 9	26,865 13 5¼	- - -	140 15 0½	30,000 0 0	57,006 8 5¾
	865,551,612 13 5¼	29,767,130 14 1	1,706,742 19 7	275,735 4 2¾	12,157,438 4 1¾	43,907,047 2 0½
In the Names of the Commissioners of the National Debt	84,485,824 4 1	2,560,404 2 6¼	558 10 7	- - -	2,560,962 13 1¼	—
	781,065,788 9 4¼	27,206,726 11 6¾	1,706,184 9 0	275,735 4 2¾	14,718,400 17 3	43,907,047 2 0½
Transferred to Commissioners for Purchase of Life Annuities, per 48 Geo. 3, cap. 142.	4,323,385 0 0	130,307 4 7¼	5,720 0 0	- - -	136,027 4 7¼	—
TOTAL..... £.	776,742,403 9 4¼	27,076,419 6 11½	1,700,464 9 0	275,735 4 2¾	14,885,428 1 10¼	43,907,047 2 0½
Add Annuities payable at the Exchequer, Unclaimed for three years, at 5th January 1818.....	- - -	- - -	- - -	- - -	30,747 12 0	
					14,885,175 13 10¼	
Deduct Life Annuities payable at the Bank of England	- - -	- - -	- - -	- - -	288,491 2 0	
Amount applicable to the Reduction of Debt of the United Kingdom	- - -	- - -	- - -	- - -	14,596,684 11 10¼	

EXCHEQUER,
28th of May 1818.

WM. ROSE HAWORTH.

REDEMPTION OF THE PUBLIC FUNDED DEBT.

An Account of Progress made in the Redemption of Public Funded Debt of the United Kingdom, payable in Great Britain, 5th Jan. 1818.

FUNDS.	CAPITALS.	Long Annuities at the Bank of England.	Transferred to, or Redeemed by the Commissioners, from 1st August 1786 to 5th Jan. 1818.	TOTAL SUMS paid.	Average Price of Stocks.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
Consolidated £. 3 per Cent Annuities	490,385,213 4 5¼	- - -	100,992,884 0 0	63,837,913 18 9	63¼
Reduced ..... Ditto	355,906,772 0 1	- - -	207,098,085 0 0	129,676,037 7 5	62⅛
Old South Sea Annuities	24,065,084 13 11½	- - Old	6,392,000 0 0	4,371,036 17 0	68⅛
New...Ditto.....Ditto		- - New	4,765,500 0 0	3,295,598 16 9	69⅛
£. 3 per Cent Anno 1751	1,919,600 0 0	- - -	1,084,000 0 0	762,665 10 0	70⅛
Consolidated £. 4 per Cent Annuities	82,732,119 2 2	- - -	7,796,400 0 0	6,586,934 8 9	84¼
Ditto..... £. 5 Ditto.....Ditto	135,042,057 9 7	- - -	145,500 0 0	130,113 7 6	89⅜
£. 5 per Cent Annuities, Annis 1797 and 1802	1,021,968 12 4	- - -	328,274,369 0 0	208,660,300 6 2	
£. 3 per Cent...Ditto.....Anno 1726	1,000,000 0 0	—	—	—	
Ditto.....Bank Annuities	14,686,800 0 0	—	—	—	
£. 5 per Cent formerly paid by Ireland	1,900,000 0 0	- - -	180,296 9 4	155,334 10 3	86⅛
Consolidated Long Annuities	- - -	1,359,435 18 8½	328,454,665 9 4	208,815,634 16 5	
Capitals transferred to the Commissioners, the Dividends on which have not been claimed for 10 years and upwards, and which are subject to the claims of the parties entitled thereto	- - -	- - -	570,637 2 3		
	1,108,659,615 2 6¾	1,359,435 18 8½	329,025,302 11 7		
Transferred to Commissioners, on account of Land Tax Redeemed	25,389,233 2 9	—			
	1,083,270,381 19 9¾	—			
.....Ditto.....for purchase of Life Annuities, per Act 48 Geo. 3	4,323,385 0 0	5,720 0 0			
	1,078,946,996 19 9¾	1,353,715 18 8½			
Redeemed by the Commissioners, including Capitals the Dividends upon which have not been claimed for 10 Years and upwards	329,025,302 11 7	548 2 11			
Debt unredeemed at 5th January 1818	749,921,694 8 2¾	1,353,167 15 9½			
Deduct Irish £. 5 per Cents payable in England, transferred to the £. 5 per Cents payable in Ireland	52,000 0 0				
Unredeemed Debt of the United Kingdom, payable in Great Britain	749,869,694 8 2¾				

SUMS Annually applicable to the Reduction of the NATIONAL DEBT.

	£.	s.	d.
Annual Charge, per Act 26 Geo. 3	1,000,000	0	0
..... 42	200,000	0	0
Ditto..... per Act 57 Geo. 3, cap. 142, being £.1 per Cent on Exchequer Bills, Outstanding and unprovided for, at 5th January 1817	330,000	0	0
Annuities for 99 or 96 Years, Expired 1792	54,880	14	6
Ditto..... 10 Years..... Anno 1787	25,000	0	0
Exchequer Life Annuities Unclaimed for Three Years, at 5th January 1818	30,747	12	0
Ditto..... of which Nominees shall have died prior to 5th July 1802	21,481	6	1
Dividend on £. 320,332,469, at £. 3 per Cent	9,609,974	1	4¾
£. 7,796,400.....£. 4 Ditto	311,856	0	0
£. 145,500 ..... £. 5 Ditto	7,275	0	0
£. 180,296 9. 4. Irish £. 5 per Cents payable in England	9,014	16	5½
Annuity of £. 1 per Cent on Capitals created from 1st February 1793 to 1812 (both inclusive)	6,640,220	3	7½
Dividend on £. 4,323,385, transferred to purchase Life Annuities	130,307	4	7
£. 5,720 Long Annuities, for Ditto	5,720	0	0
The proportion of Sinking Fund on Loan raised and Bills funded, Anno 1815, to be borne by Consolidated Fund	543,494	6	11½
Annual Appropriation on £. 12,000,000, part of £. 14,200,000, Loan 1807, 47 Geo. 3, cap. 55	626,255	10	5
Annual Interest on Capital, purchased by the Commissioners at £. 3 per Cent, on account of Ditto	-	-	-
Interest on £. 222,037. 2. 3. Capital unclaimed, on account of Great Britain	7,354	16	6½
Long Annuities ..... Ditto .....Ditto	548	2	11
Interest on £. 348,600 Reduced Annuities, purchased with Unclaimed Dividends	10,458	0	0
	19,564,587	15	5¾
Chargeable on Sinking Fund:			
Life Annuities £. 288,491 2 0			
Loans and Bills, funded from 1813 to 1815 (both inclusive) per 53 Geo. 3, c. 35 7,632,969 14 9¼			
Part of Charge on Treasury Bills raised for Ireland, Anno 1816 9,014 16 5½			
7,930,475 13 2¾			
Deduct for Sinking Fund for said Loans and Bills 2,213,024 18 10½			
	5,717,450	14	4¼
Actual Sinking Fund of the United Kingdom, payable in Great Britain	13,847,137	1	1½

ANNUITIES fallen in since 22d June 1802, or that will fall in hereafter.

	£.	s.	d.
Exchequer Annuities, 2d & 3d Anne; Expired 5 April 1803	23,369	13	4
Ditto..... Ditto...5 Jan. 1805	7,030	6	8
Ditto, 4 Anne ..... Ditto...5 April.....	23,254	11	6
Ditto, 5 Ditto ..... Ditto 1806	7,776	10	0
Ditto, 6 Ditto ..... Ditto 1807	4,710	10	0
Ditto..... .....Ditto...5 July	10,181	0	0
Bank Short Annuities Ditto...5 Jan. 1808	418,333	0	11
Ditto Long Ditto...will expire 5 Jan. 1860	1,359,435	18	8½

By an Act of 42d Geo. 3, cap. 71, such Annuities as fall in after the passing of that Act, are not to be placed to the Account of the Commissioners for the Reduction of the National Debt.

Consolidated with the General Account above.

An Account of the Progress made in the Redemption of the Imperial Debt, at 5th January 1818.

FUNDS.	CAPITALS.	Long Annuities at the Bank of England.	Transferred to, or Redeemed by the Commissioners from 1st August 1786 to 5th Jan. 1818.	TOTAL SUMS Paid.	Average Price of Stock.	SUMS Annually Applicable to the Reduction of the DEBT.		ANNUITIES fallen in since 22d June 1802, or that will fall in hereafter.
Imperial £. 3 per Cent Annuities	£. s. d. 7,502,633 6 8	£. s. d. 230,000 0 0	£. s. 2,047,928 0	£. s. d. 1,255,882 15 1	61⅜	Annuity at £. 1 per Cent on Capital created by Loan, 1797...	£. s. d. 36,693 0 0	Imperial Annuities will expire 1st May 1819:
Redeemed by the Commissioners, including Capital transferred to them, the Dividends on which have not been claimed for 10 Years and upwards	2,048,328 3 0	10 7 8	400 3			Dividend on £. 2,047,928. £. 3 per Cent	61,437 16 9½	£. 230,000 0 0
						Ditto... £. 400. 3. Unclaimed Capital, £. 3 per Cent.	12 0 1	
						Ditto... Imperial Annuities for 25 Years	10 7 8	
Debt Unredeemed at 5th Jan. 1818	5,454,305 3 8	229,989 12 4	2,048,328 3				98,153 4 6½	

An Account of the Progress made in the Redemption of the Debt of Portugal, at 5th January 1818.

Reduced £. 3 per Cent Annuities	895,522 7 9	- - -	481,549 0	309,520 6 6	64¼	Annual Appropriation for Redemption of Loan, 1809 ...	£. s. d. 30,000 0 0
Redeemed by the Commissioners	481,549 0 0					Dividend on £. 481,549. 3 per Cent	14,446 9 4¾
Debt Unredeemed at 5th Jan. 1818	413,973 7 9						44,446 9 4¾

EXCHEQUER, the 3rd day of April, 1818.

WM. ROSE HAWORTH.

S. HIGHAM.

VII.—UNFUNDED DEBT.

An Account of the UNFUNDED DEBT and DEMANDS OUTSTANDING on the 5th day of January 1818.

	£. s. d.	AMOUNT OUTSTANDING. £. s. d.
EXCHEQUER:		
Exchequer Bills... Provided for	607,000 0 0	
Unprovided for	56,122,400 0 0	
		56,729,400 0 0
TREASURY:		
Miscellaneous Services	965,529 17 8	
Warrants for Army Services	504,064 2 0	
Treasury Bills of Exchange drawn from Abroad	164,178 0 0	
Irish Treasury Bills Provided for...£. 982,315 7 8¼ / Unprovided for 4,684,615 7 8½	5,666,930 15 4¾	
Loan Debentures	2,053 16 11¾	
Lottery Prizes	23,565 4 7½	
		7,326,321 16 8
ARMY		839,590 13 1½
NAVY		1,614,105 10 3
ORDNANCE		169,893 18 11
BARRACKS		2,314 6 2
		66,681,626 5 1¼

Whitehall, Treasury Chambers, 25th March 1818.

C. ARBUTHNOT.

VIII.—DISPOSITION OF GRANTS.

An Account, showing how the MONIES given for the SERVICE of the United Kingdom of GREAT BRITAIN and IRELAND, for the Year 1817, have been disposed of; distinguished under their several Heads, to the 5th of January 1818.

SERVICES.	SUMS Voted or Granted. £. s. d.	SUMS Paid. £. s. d.
NAVY	7,596,022 1 2	5,980,397 18 11¼
ORDNANCE	1,270,696 5 10	1,086,806 15 6
FORCES	9,412,373 14 0½	8,731,388 9 2½
For defraying the Charge of the Civil Establishments undermentioned; viz.		
Of Sierra Leone, from the 1st of January to the 31st of December 1817	15,814 0 0	15,000 0 0
Ditto.....Nova Scotia ..... from Ditto to Ditto	13,440 0 0	7,000 0 0
Ditto.....New South Wales ..... from Ditto to Ditto	12,815 0 0	6,500 0 0
Ditto.....Upper Canada ..... from Ditto to Ditto	11,325 0 0	6,000 0 0
Ditto.....New Brunswick ..... from Ditto to Ditto	6,247 10 0	2,500 0 0
Ditto.....Newfoundland ..... from Ditto to Ditto	5,485 0 0	3,000 0 0
Ditto.....St. John (now called Prince Edward Island) from Ditto to Ditto	3,826 0 0	1,600 0 0
Ditto.....Bahama ..... from Ditto to Ditto	3,301 10 0	1,600 0 0
Ditto.....Cape Breton ..... from Ditto to Ditto	2,550 0 0	1,275 0 0
Ditto.....Dominica ..... from Ditto to Ditto	600 0 0	242 6 1¾

(continued)

Services—*continued.*	Sums Voted or Granted. £.	s.	d.	Sums paid. £.	s.	d.
Expenses of a Civil nature in Great Britain, as do not form a part of the Ordinary Charges of the Civil List	500,000	0	0	486,178	1	3
Interest on Exchequer Bills	1,900,000	0	0	1,385,000	0	0
One hundredth part of 33 millions of Exchequer Bills, authorized last Session to be issued and charged upon the Aids granted in the present Session, to be issued and paid by equal Quarterly Payments to the Governor and Company of the Bank of England, to be by them placed to the Account of the Commissioners for the Reduction of the National Debt; for the year ending the 1st of February 1818	330,000	0	0	247,500	0	0
For paying off and discharging, on the 5th of April 1817, certain Annuities granted by two Acts of the 37th and 42nd of his Majesty	41,829	8	4	41,829	8	4
For the Relief of American Loyalists; for the Year 1817	13,500	0	0	5,500	0	0
Expense of Confining and Maintaining Criminal Lunatics; for 1817	3,000	0	0			
Charge of the Superannuation Allowance, or Compensation to one of the late Paymasters of Exchequer Bills; for 1817	266	13	4			
Superannuation Allowances, or Compensations to Retired Clerks and other Officers, formerly employed in the Office of the Commissioners for Auditing the Public Accounts; for 1817	1,950	0	0			
Superannuation Allowances, or Compensations to Retired Clerks and other Officers, formerly employed in the Lottery Office; for 1817	331	10	0			
To Ditto - - - Ditto - - - formerly employed in his Majesty's Mint; for 1817	620	0	0	620	0	0
To be applied, in further Execution of an Act of the 43rd of his Majesty, towards making Roads and building Bridges in the Highlands of Scotland; for 1817	20,000	0	0	20,000	0	0
Towards the Repair of Henry the Seventh's Chapel; for 1817	2,695	18	10	2,695	18	10
Expense of the National Vaccine Establishment; for 1817	3,000	0	0	3,000	0	0
Expense of Works carrying on at the College of Edinburgh; for 1817	10,000	0	0	10,000	0	0
Expense of the Establishment of the Penitentiary House; from the 24th of June 1817, to the 24th of June 1818	11,400	0	0	6,000	0	0
Towards defraying the Expense of the building of a Penitentiary House at Milbank; for 1817	40,000	0	0	20,700	0	0
Expense of making an Inland Navigation, from the Eastern to the Western Sea, by Inverness and Fort William; for 1817	25,000	0	0			
To complete the original estimated Expense of the Works at Holyhead Harbour; for the present Year	7,614	0	0			
Landing-place at Port Devargh, on the Hill at Holyhead, for the landing of the Mails from the Packets by Boats	450	0	0			
Expense of improving sundry Portions of the Holyhead Roads	20,000	0	0	10,000	0	0
Expense of maintaining and repairing the British Forts on the Coasts of Africa for 1817	23,000	0	0	23,000	0	0
Board of Agriculture; for 1817	3,000	0	0	3,000	0	0
Royal Military College; for 1817	28,155	4	9	28,155	4	9
Royal Military Asylum at Chelsea; from the 25th Dec. 1816, to the 24th Dec. 1817	34,415	5	5	23,500	0	0
Expense attending the confining, maintaining, and employing Convicts at Home; for 1817	75,300	0	0	51,035	0	0
To defray Bills drawn, or which may be drawn, from New South Wales; for 1817	80,000	0	0	62,000	0	0
Charge of Printing Acts of Parliament for the two Houses of Parliament, for the Sheriffs, Clerks of the Peace, and Chief Magistrates, throughout the United Kingdom, and for the Acting Justices throughout Great Britain; also for Printing Bills, Reports, Evidence and other Papers, and Accounts for the House of Lords; for 1817	17,000	0	0			
Printing 1,250 Copies of the 49th volume of the Journals of the House of Peers	2,552	12	3	2,552	12	3
To make good the deficiency of the Grant of 1816, for Printing 1,750 Copies of the 69th volume of the Journals of the House of Commons	815	8	4	815	8	4
For defraying the expense that may be incurred in 1817, for Printing 1,750 Copies of the 70th Volume of the Journals of the House of Commons; being for the session 1815	3,500	0	0	3,500	0	0

SERVICES—*continued.*	SUMS Voted or Granted. £.	s.	d.	SUMS Paid. £.	s.	d.
For defraying the Expense that may be incurred in 1817, for Printing 1,750 Copies of the 71st Volume of the Journals of the House of Commons; being for the Session 1815	3,250	0	0			
For Ditto - - - Ditto - - - for 72nd Volume of Ditto	3,250	0	0			
For defraying the Expense that may be incurred for re-printing Journals and Reports of the House of Commons; for 1817	8,500	0	0			
To make good the deficiency of the Grant for 1816, for re-printing Journals and Reports of the House of Commons	6,472	17	0	6,472	17	0
To defray the Expense of printing Bills, Reports, and other Papers, by Order of the House of Commons, during the present session of Parliament	21,000	0	0			
To make good the deficiency of the Grant of 1816, for defraying the Expense of printing Bills, Reports, and other Papers, by Order of the House of Commons, during the last Session	8,197	6	8	8,197	6	8
To defray the Expense of printing the Votes of the House of Commons during the present Session	2,500	0	0	2,053	1	10
Charge of the Superintendence of Aliens, for the Year 1817	4,895	6	0	2,446	0	0
To defray the Expense of Law Charges; for 1817	20,000	0	0	20,000	0	0
For defraying the Extraordinary Expenses that may be incurred for Prosecutions, &c. relating to the Coin of this Kingdom; for the Year 1817	4,000	0	0	4,000	0	0
On account of the Expenses to be incurred in the Management of the British Museum; for 1817	8,577	16	5	8,577	16	5
To make good the deficiency of the Grant in the present Session, for printing 1,750 Copies of the 70th Volume of Journals of the House of Commons	400	10	5	400	10	5
Supplemental Charge for Miscellaneous Printing done by Order of the House of Commons, in the Session of 1816	8,951	0	6	8,951	0	6
Extraordinary Expenses of the Mint, in the Gold Coinage; for 1817	40,000	0	0			
Charges of preparing and drawing the Lotteries, for 1817, &c.	18,000	0	0	3,000	0	0
For defraying the Charge of the following CIVIL SERVICES in Ireland:						
To make good the permanent Charges of Ireland, outstanding and unprovided for, on the 5th of January 1817	246,508	14	2	161,809	19	10¾
Remuneration of several Public Officers in Ireland, for their extraordinary trouble in 1817	1,153	16	11	1,153	16	11
Expenditure of the Board of Works in Ireland; for 1817	19,859	1	6½	19,179	5	7
Charge of Printing, Stationary, and other Disbursements, for the chief and under Secretaries offices and apartments, and other Public offices in Dublin Castle, &c.; and for riding charges and other Expenses of the Deputy, Pursuivants and extra Messengers attending the said offices; also Superannuated Allowances in the said chief Secretary's Office; for one Year ending the 5th Jan. 1818	20,809	11	9¼	20,794	17	8¼
Expense of publishing Proclamations and other matters of a Public nature, in the Dublin Gazette and other newspapers in Ireland; for one Year ending the 5th Jan. 1818	9,692	6	1¾	9,640	0	11½
Expense of Printing 1,290 Copies of a compressed Quarto Edition of the Statutes of the United Kingdom, for the use of the Magistrates of Ireland, and also 250 Copies of a Folio Edition of Ditto, bound, for the use of the Lords, Bishops, and Public Officers in Ireland	3,439	12	3¾	2,880	4	0
Criminal Prosecutions and other Law Expenses in Ireland; from 5th Jan. 1817, to 5th Jan. 1818	23,076	18	5½	21,876	2	2¼
Expense of apprehending public Offenders in Ireland; from 5th Jan. 1817 to 5th Jan. 1818	2,307	13	10	129	4	7½
For completing the Sum necessary for the Support of the Non-conforming Ministers in Ireland; from 5th Jan. 1817 to 5th Jan. 1818	8,581	16	11	8,581	16	11
For the Support of the Seceding Ministers from the Synod of Ulster in Ireland; for one year, from the 25th March 1817 to 25th March 1818	3,794	15	4¾	3,720	18	5½
Salaries of the Lottery Officers in Ireland; for one year, ending the 24th June 1817	1,949	10	9¼	1,764	18	5½
Expense of Pratique of the Port of Dublin; from the 25th Dec. 1815 to the 5th Jan. 1817	939	0	9¼	876	1	6½

Services—*continued.*	Sums Voted or Granted. £.	s.	d.	Sums Paid. £.	s.	d.
Charge of Clothing the Battle-Axe Guards; for 18 months, commencing from the 1st Dec. 1817	683	1	6½	683	1	6½
To complete the Works of the Harbour of Howth	10,153	16	11	10,153	16	11
To carry on the Works at Dunmore Harbour in the current year	12,923	1	6½	12,923	1	6½
Civil Contingencies in Ireland; for the year ending 5th Jan. 1818	40,000	0	0	39,986	17	8¼
Board of Inland Navigation in Ireland	4,000	0	0	4,000	0	0
Expense of building Churches and Glebe Houses, and purchasing Glebes in Ireland; for one year, ending 5th Jan. 1818	9,230	15	4¾	9,230	15	4¾
To be paid to the Trustees and Commissioners of First Fruits in Ireland, to be by them employed towards the building, rebuilding, and enlarging of Churches and Chapels, the building of Glebe Houses, and procuring Glebes in Ireland, in such manner as they shall think fit	18,461	10	9¼	18,461	10	9¼
For defraying the Expense of the Trustees of the Linen and Hempen Manufactures of Ireland; for one year, ending the 5th Jan. 1818, to be by the said Trustees applied in such manner as shall appear to them to be most conducive to promote and encourage the said Manufactures	19,938	9	2¾	19,938	9	2¾
For defraying the Expense of the Commissioners for making wide and convenient Streets in Dublin; for one Year, ending the 5th Jan. 1818	11,076	18	5½	11,076	18	5½
Additional Allowance to the Chairman of the Board of Inland Navigation in Ireland; for 1817	276	18	5½	276	18	5½
Royal Irish Academy of Dublin; for the year ending 5th Jan. 1818	323	1	6½	323	1	6½
Foundling Hospital at Dublin; for Ditto	32,515	7	8¼	32,515	7	8¼
House of Industry and Asylums for industrious Children in Dublin; for Ditto	36,647	1	6½	36,647	1	6½
Richmond Lunatic Asylum at Dublin; for Ditto	7,310	15	4¾	7,310	15	4¾
Hibernian Society for Soldiers Children at Dublin; for Ditto	7,752	18	5½	7,752	18	5½
Hibernian Marine Society in Dublin; for Ditto	2,755	7	8¼	2,755	7	8¼
Female Orphan House, in the Circular Road, Dublin; for Ditto	2,769	4	7½	2,769	4	7½
Westmoreland Lock Hospital in Dublin; for Ditto	8,316	18	5½	8,316	18	5½
Lying in Hospital in Dublin; for Ditto	3,148	12	3½	3,148	12	3½
Dr. Steeven's Hospital; for Ditto	1,467	13	10¼	1,467	13	10¼
House of Recovery and Fever Hospital in Cork-street, Dublin; for Ditto	4,615	7	8	4,615	7	8
Hospital for Incurables at Dublin; for Ditto	465	4	7½	465	4	7½
Association for discountenancing Vice, and promoting the knowledge and practice of the Christian Religion; for Ditto	3,430	3	1	3,430	3	1
Green Coat Hospital for the City of Cork; for Ditto	104	6	2	104	6	2
Society for Promoting the Education of the Poor in Ireland; for Ditto	8,910	9	2¾	8,910	9	2¾
Dublin Society; for Ditto	9,230	15	4¾	9,230	15	4¾
Farming Society of Ireland; for Ditto	4,539	13	10	4,539	13	10
Cork Institution; for Ditto	2,307	13	10	2,307	13	10
Protestant Charter Schools of Ireland; for Ditto	38,343	13	10	38,343	13	10
Roman Catholic Seminary; for Ditto	8,928	18	5½	8,928	18	5½
	22,364,627	18	3¾	18,907,013	1	3¾

PAYMENTS FOR OTHER SERVICES,

Not being part of the Supplies granted for the Service of the Year.

	£.	s.	d.
James Fisher, Esq. on his Salary for additional trouble in preparing Exchequer Bills, pursuant to Act 48 Geo. 3, cap. 1	375	0	0
Expenses in the Office of the Commissioners for Reduction of the National Debt	3,500	0	0
Bank of England, for Management on Life Annuities	1,006	7	11
Expenses in the Office for issuing Exchequer Bills for Employment of the Poor	2,200	0	0
	7,081	7	11

	£.	s.	d.
Amount of Sums voted;.. as per preceding Account	22,364,627	18	3¼
Payments for Services not Voted	7,081	7	11
	22,371,709	6	2¼

WAYS AND MEANS for Answering the foregoing SERVICES.

	£.	s.	d.
Duty on Malt, Sugar, Tobacco, and Snuff, and on Pensions, Offices, &c. continued	3,000,000	0	0
Surplus Consolidated Fund, at 5th April 1817	1,225,978	2	2½
Excise Duties, continued per Act 56 Geo. 3, cap. 17	1,300,000	0	0
Arrears of Property Tax	1,500,000	0	0
Surplus of Grants for 1815	15,749	15	2
Ditto for 1816	1,824,656	0	1¾
Profits of Lotteries	236,750	0	0
Monies to arise from the Sale of Old Naval and Victualling Stores	400,000	0	0
Voluntary Contributions from the Civil List Revenue, and from Persons holding Office and Places in his Majesty's Service	70,000	0	0
Interest on Land Tax redeemed by Money	788	8	9¾
Surplus of Exchequer Bills and Irish Treasury Bills, granted in the last Session of Parliament, after reserving sufficient to pay off similar Bills charged on Aids 1817	12,538,100	0	0
	22,112,022	6	4

	£.	s.	d.
Amount of Sums Voted, and of Payment for Services not Voted; as above	22,371,709	6	2¼
Amount of Ways and Means; as above	22,112,022	6	4
Deficiency of Ways and Means	259,686	19	10¼

Whitehall, Treasury Chambers, 4th April 1818.

CHARLES ARBUTHNOT.

END OF THE FINANCE ACCOUNTS FOR 1818.

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